

9-1-1994

# Loyola Lawyer

Loyola Law School - Los Angeles

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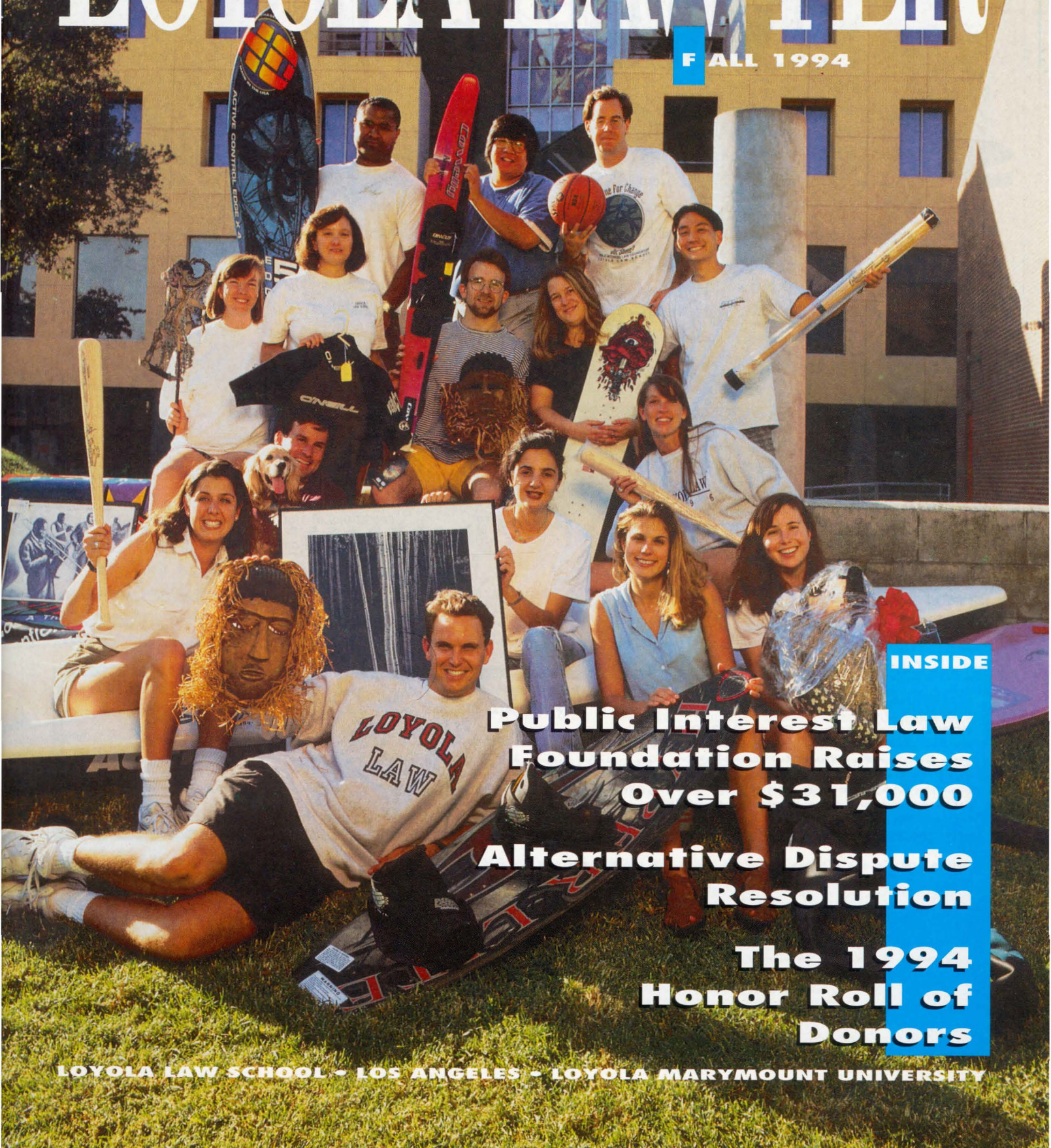
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# LOYOLA LAWYER

F ALL 1994



INSIDE

**Public Interest Law  
Foundation Raises  
Over \$31,000**

**Alternative Dispute  
Resolution**

**The 1994  
Honor Roll of  
Donors**

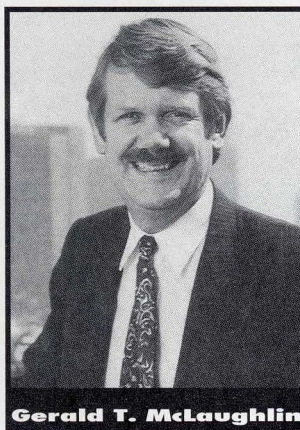
LOYOLA LAW SCHOOL - LOS ANGELES - LOYOLA MARYMOUNT UNIVERSITY



# ON BEING THE DEAN

**S**omeone once quipped that "these days even the future is not what it used to be." Well, as Dean of Loyola Law School, I am not so pessimistic. The future of your *alma mater* is incredibly bright. A review of the 1993-94 academic year will show why I am so optimistic.

**1) The Law School Student Body.** The excellence of Loyola Law School is perhaps most evident in the quality and diversity of its student body. The median LSAT score for the 1993 admitted class (day division) was above the 86th percentile nationally. Roughly forty percent of the 1993 entering class came from under-represented group backgrounds — a statistic that mirrors the racial and ethnic composition of the entire Loyola student body. In this regard, it should be noted that out of 177 American Bar Association (ABA) accredited law schools, the Loyola student body ranked first in the number of Asian-Pacific students, and fifth in the number of Chicano students. The backgrounds and interests of



Gerald T. McLaughlin

**"Excellence  
is as  
excellence  
does"**

our students further strengthen the diversity of the Law School. For example, among our students, we have Tae Kwan Do champions, film producers, pilots, actors, nurses, doctors, engineers and architects! I should also mention that during the 1993-94 academic year, Loyola Law students donated approximately 78,000 hours to public service work through either Law School clinics or externship programs. If public service can be viewed as the rent we pay for being, then Loyola Law School students clearly pay their fair share of the rent.

**2) The Law School Faculty.** Since the Law School opened on September 8, 1920, the Loyola faculty has always been known as a superb teaching faculty. Generations of students will also attest to the faculty's accessibility and openness. But the faculty has also not forgotten its scholarly responsibilities. During the 1993-94 academic year, for example, the Law School faculty

(Continued on next page)

## FEATURES

PILF Auction Raises Over \$31,000.....	3
Alternative Dispute Resolution .....	4
The Center For Conflict Resolution .....	8
Jury Consultants on Trial.....	20
Profile On Entering Class.....	22
Entertainment Law Journal Profile.....	23
Honor Roll of Donors .....	29

## WHAT'S

## INSIDE

## DEPARTMENTS

PEOPLE AND EVENTS.....	10
NOTABLE AND NOTEWORTHY .....	14
FACULTY ACTIVITIES.....	17
CAMPUS NEWS .....	46
ALUMNI NEWS .....	48
CALENDAR .....	BACK

## LOYOLA LAWYER

LOYOLA LAW SCHOOL • LOYOLA MARYMOUNT UNIVERSITY

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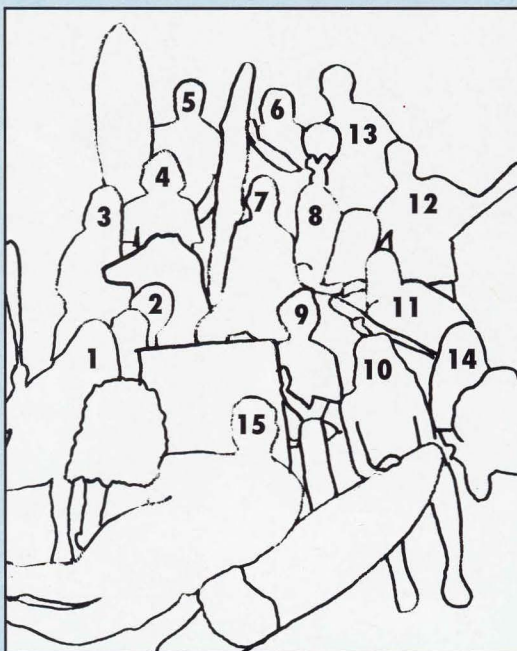


# PUBLIC INTEREST LAW FOUNDATION AUCTION RAISES OVER \$31,000

The Loyola Public Interest Law Foundation (PILF) has become one of the most dynamic student organizations on campus. Since its founding in 1993, PILF has raised more than \$87,000, including \$31,000 at the recent Second Annual Fall Festival & Auction.

Among the most popular auction items: lunch with Johnnie L. Cochran, Jr. '62 of the O.J. Simpson defense team, one-week use of a beach-front condominium in Hawaii, and an autographed script from the new Star Trek movie "Generations." Bidding by students reached a frenzied pace as faculty donations were auctioned off... such items included a five-hour group tutoring session with Professor Chris May, dinner for four with Professor Laurie Levenson — with transportation provided in her 1963 Cadillac convertible, and dinner for four at Professor Victor Gold's home along with a lock of his 'ever-vanishing' hair.

PILF has funded 14 summer fellowships for Loyola students and has helped support the Loyola Law School Center for Conflict Resolution. PILF was founded to promote public interest legal



employment and involvement opportunities. Last summer, seven students received fellowships based on past accomplishments in public interest law, summer project proposals, and future commitment to the field. These fellowships included positions with the Legal Corps of Los Angeles in south central L.A., the Appalachian Legal Research and Defense Fund in rural Kentucky, the Camden Regional Legal Services in New Jersey, and the Black Law Institute in Watts.

Among the current members of PILF whose diligence contributed to the auction's success: Paul Ang '97 (6), Dana Butler '95 (8), Colleen Cox '96 (3), Carlyle (Cary) Hall '96, co-chair (15), John Krings '96 (7), Joanne Lam '95 (4), Katie Martin '96 (11), Serena Murillo '96 (1), Joe Pertel '95 with "Pico" (2), Pamela Reeder '96 (10), Margaret Rober '95 (14), Keith Sakimura '95, co-chair (12), Fabi Takesh '96 (9), Greg Townsend '96 (13), and Phillip Tukia '95 (5).

*The Loyola Public Interest Law Foundation's outstanding efforts have not gone unnoticed. It was awarded "Most Growth by a NAPIL Member School" at The National Association for Public Interest Law Conference in Washington, D.C., in October. Loyola is one of the top 10 public interest law schools in the United States. (See Spring 1994 Loyola Lawyer.)*

## DEAN from page 2

authored or co-authored over 70 books and articles. Several of our faculty also chaired or participated in important ABA, Association of American Law Schools or California Bar Association committees. Others involved themselves in important *pro bono* litigation, emphasizing the Law School's deep commitment to public service. Finally, it would be remiss of me not to mention the intense media attention received by several members of the faculty for their commentary on both the Rodney King federal trial and the O.J. Simpson case. "Excellence is as excellence does" would be an apt summary of the faculty's 1993-94 activities.

**3) The Law School Curriculum.** During the 1993-94 academic year, the Law School offered over 90 elective courses to supplement its required curriculum. These courses ranged from International Banking Law to Law and Anthropology to Chinese Law to the Rights of

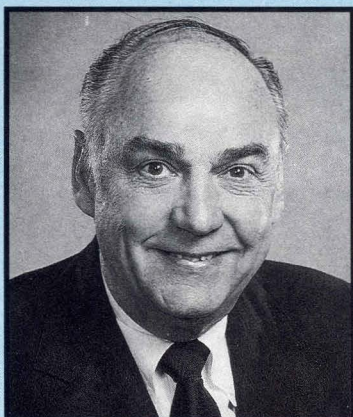
the Disabled. In the summer of 1994, the Law School sponsored its fourth annual Summer Program at the University of Costa Rica Law School in San José, Costa Rica. The 1994 Program drew students from 17 law schools throughout the United States. Two new curricular innovations were also introduced during the 1993-94 school year. First, the Law School began a gradual transition from three to four sections in the first year day division class, thereby reducing the size of a typical first year course section by approximately twenty-five percent. Second, our clinical course offerings were strengthened by the creation of an on-campus Center for Conflict Resolution. In addition to providing much-needed conciliation and mediation services to the mainly Spanish-speaking population surrounding the Law School, this Center also trains Loyola students in these important dispute resolution techniques.

In this context, mention should also be made of the mandatory *pro bono* requirement that takes effect with the 1994 Law School entering class. Beginning with this class, all Loyola law students will be required to contribute 40 hours of supervised but uncompensated legal service to the community. This *pro bono* requirement bespeaks the Law School's commitment to deepening the education of Loyola students through hands-on skills training.

**4) Law School Programs.** As at most great law schools, a wide range of co-curricular activities supplement Loyola's educational program. A detailed catalogue of these activities would include our three law journals, the Law School's various Moot Court and advocacy competitions, the numerous guest lecturers who visited our classrooms, the regular noon-time debates in front of Merrifield Hall and the many educational programs sponsored by over 30 Law



**Thomas T. Roberts**  
**Class of 1957**  
**Dubbed the "Dean" of**  
**the salary arbitration**  
**in baseball.**



**Career Highlights:**

Arbitrated first baseball "collusion" grievance; First arbitrator to issue a million dollar salary arbitration award (recipient - Fernando Valenzuela); Umpire for General Motors and UAW under their national agreement; Active in entertainment industry (particularly television, radio and movies); Member, National Academy of Arbitrators (President 1988-89); Chair, Labor and Employment Law Section, L.A. County Bar Association 1992-93; Recipient of AAA Distinguished Service Award, 1991.

**O**ne fact has become blatantly apparent as we near the midway point of the 90s — California's legal system is floundering. The court system is overburdened, and no relief is visible on the immediate horizon. Frustrated by the congestion, more and more litigants are turning to alternative means to resolve their disputes.

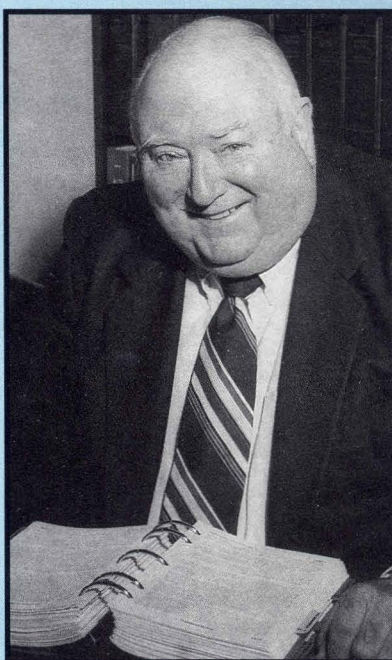
Alternative Dispute Resolution (ADR) is a term of art used to refer to procedures for settling disputes other than litigation. ADR includes, but is not limited to, arbitration, conciliation, and mediation. Arbitration is actually very similar to litigation. It is a process of dispute resolution whereby the parties submit their

# ALTERNATIVE DISPUTE RESOLUTION THE FUTURE OF

By Robert H. Pittman '94

**Joseph M. McLaughlin**  
**Class of 1955**  
**Principal and partner, McLaughlin & Irvin**

**Career Highlights:** Specializes in labor law; Represents major California retail food companies; Served as President and CEO of Food Employers Council, Inc.; Recipient, Loyola Law School Distinguished Service Award, 1994; Successfully argued landmark case (Boys Market v. Retail Clerks) before U.S. Supreme Court, which gave federal courts power to enforce orders compelling arbitration.



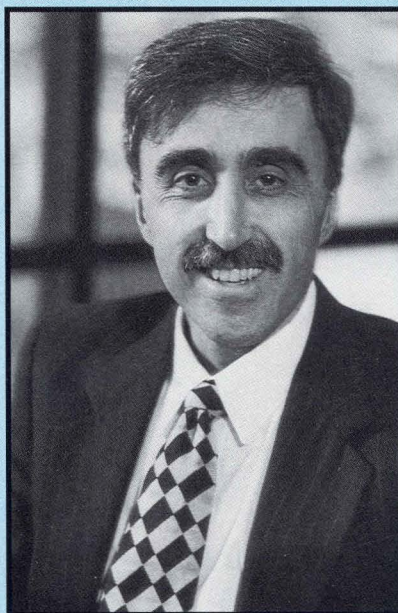
dispute to a neutral third party (arbitrator) who has the power to render a final and binding decision.

Conciliation and mediation, by contrast, are much less adversarial. Conciliation is



the settlement of a dispute in a friendly, non-antagonistic manner. It is often used before trials as a means of avoiding litigation or in labor disputes to avoid arbitration. Mediation is an informal process of dispute resolution in which a neutral third person (mediator) facilitates disputing parties to reach a settlement. Unlike arbitrators, mediators have no power to impose a binding decision on the parties.

Experts predict that with the growing



**Rocco M. Scanza**  
**Class of 1984**  
**Regional Vice President, American Arbitration Association (AAA), Los Angeles**

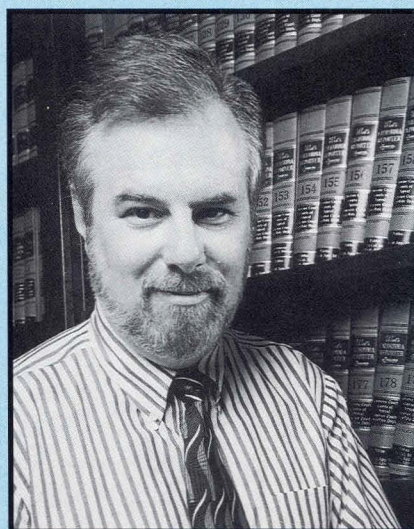
**Career Highlights:** Largely responsible for development of AAA's Mediation Center; Adjunct Professor, Loyola Law School (Arbitration Law); Successfully mediated a variety of cases involving issues in construction, real estate, environmental and commercial contract disputes.

# UTE RESOLUTION: LITIGATION?

congestion in the court system, ADR is the way of the future for the legal profession. For several Loyola alumni, ADR is already the way of today. Loyola alumni figure prominently into the ADR field both locally and nationally. Alumnus Robert H. Pittman '94, on behalf of the *Loyola Lawyer*, recently interviewed some of these alumni to obtain their thoughts on ADR and the future of the law.

Although its recent increase in popularity is responsible for

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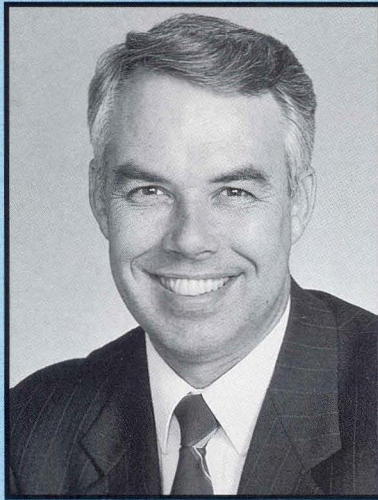
**Lee Kanon Alpert**  
**Class of 1972**  
**First mediator for AAA on West Coast**

**Career Highlights:** Principal and shareholder, Alpert, Barr & Gross; Primary expertise in areas of administrative and

governmental relations, business, commercial and construction arbitration, family law; Mediation, and real estate transactions and litigation; Member/past president, San Fernando Valley and L.A. Co. Bar Associations; Member, Panel of Arbitrators and Mediators, American Arbitration Association; Co-chair, California State Senate Business Commission; Past chair/current member, Los Angeles County Commission on Co-judicial Procedures; AAA Outstanding Commercial Arbitrator of the Year, 1984; Recipient, Stanley M. Lintz Community Memorial Award, 1990.



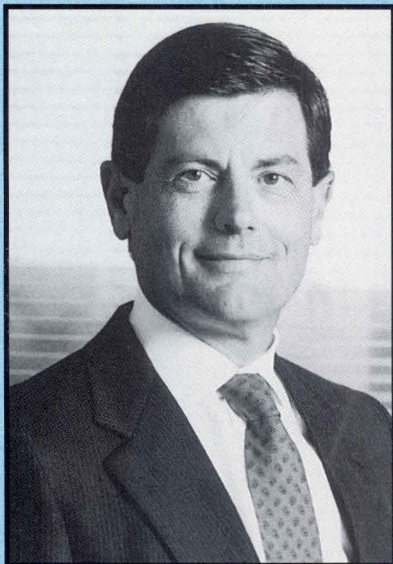
# ALTERNATIVE DISPUTE THE FUTURE OF



**Paul D. Fritz**  
**Class of 1972**  
**Founder, Creative Dispute Resolution**

**Career Highlights:** Left Archbald & Spray, an insurance defense firm in Santa Barbara, in 1985 to found Creative Dispute Resolution; Member, County of Santa Barbara Bar Association; Member, Panel of Arbitrators, AAA (1986); Member, Society of Professionals in Dispute Resolution (1988); Adjunct Professor, Pepperdine University School of Law (1989) and Santa Barbara College of Law (1987-90); Speaks extensively to professional organizations and insurance firms.

**Arbitration  
is like  
an  
informal  
trial  
process.**



**Michael Minchella**  
**Class of 1969**  
**Construction attorney with Monteleone & McCrory; Represents clients in arbitrations and mediations.**

**Career Highlights:** Partner with Monteleone & McCrory; Former Deputy District Attorney; Specializes in representing construction industry clients in all phases of dispute resolution (including trials, arbitrations, mediations, and appeals); Panelist, "Construction Law," Rutter Group, California Judges' Association Conference; Member, Forum on Construction Industry and ADR Committee of Public Contract Law Section, American Bar Association; Member, Large Complex Case Panel, AAA; Member, Construction Arbitrators Panel, AAA.

**Edna E. J. Francis**  
**Class of 1975**  
**Labor arbitrator and member of prestigious National Academy of Arbitrators.**



**Career Highlights:** Served as hearing officer for Federal Employment Appeals Authority; Participant, Los Angeles Arbitrator Development Program, 1981; Permanent arbitrator for Southern California Edison and the International Brotherhood of Electrical Workers (IBEW), Southern California Gas and the Utility Workers Union of America (UWUA), Southern California General Contractors and the United Brotherhood of Carpenters and Joiners of America, the Los Angeles Community College District and the American Federation of Teachers (AFT) and the Food Employers Council and the United Food and Commercial Workers (UFCW), and U.S. Postal Service and NALC (carriers), APWU (clerks), and MPMHU (mail handlers); Member, Los Angeles City Employee Relations Board; Recently appointed to panel of arbitrators for United Airlines and Association of flight Attendants; Member, National Academy of Arbitrators; Member, Committee on the Law of Collective Bargaining, American Bar Association.

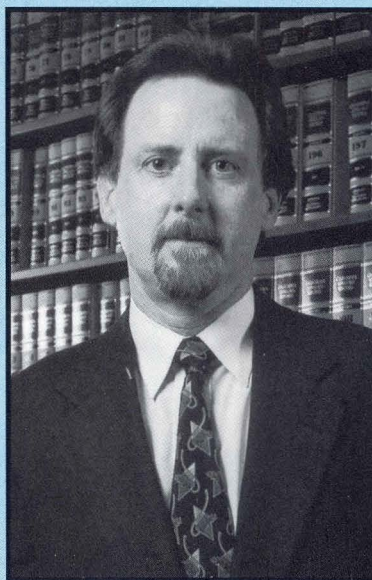


# UTE RESOLUTION: LITIGATION?

from page 5

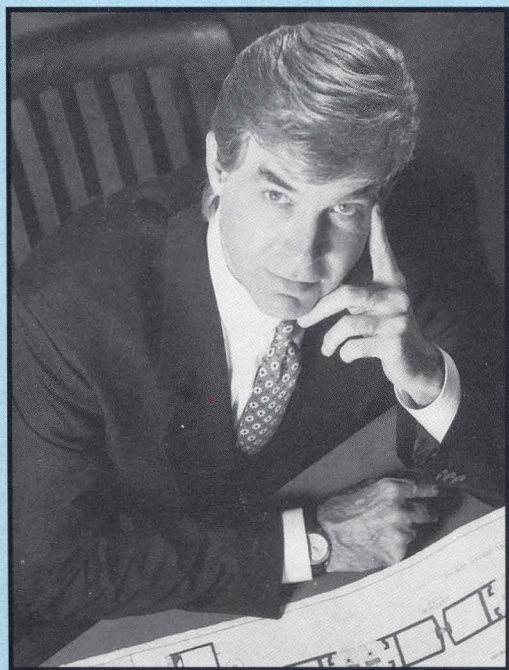
bringing ADR to the attention of many in the legal profession, ADR is not a new field. Arbitration has been around for decades, particularly in the labor arena. And the American Arbitration Association (AAA) has been offering alternative means of dispute resolution since 1926. Thomas T. Roberts '57 is considered one of the great names in labor arbitration. He has been involved in labor arbitration since 1958. Roberts opened a general law practice after graduating from law school and said that labor arbitration had completely taken over his practice within 10 years. According to Roberts and Joseph M. McLaughlin '55,

*Continued on page 25*



**Ross R. Hart**  
**Class of 1976**  
**Gained reputation**  
**as one of L.A.'s**  
**best mediators.**

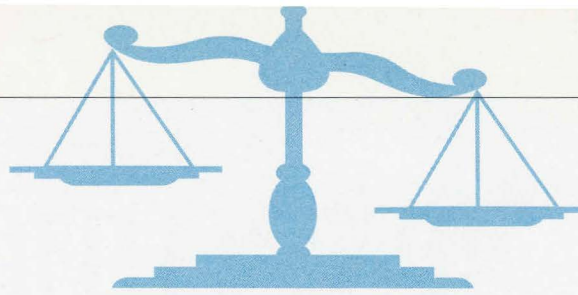
**Career Highlights:** Partner, Irsfeld, Irsfeld & Younger; Certified mediator, American Arbitration Association; Specializes in construction mediation; Discovery referee, Los Angeles and Ventura County Superior Courts; Member, Arbitration and ADR committee, L.A. County Bar Association; Member, Committee on Manufacturers' Liability Litigation, American Bar Association; Member, Society of Professionals in Dispute Resolution; Certified arbitrator, California Public Works Contract Arbitration Panel; Panel member, CalTrans Dispute Review Board; Recipient, AAA's Distinguished Service Award, 1991.



**Stephen J. Densmore**  
**Class of 1977**  
**Partner, Bryan Cave and head of firm's**  
**West Coast construction law section.**

**Career Highlights:** Served as both mediator and advocate in ADR setting; Lectures extensively on diversity of topics including dispute resolution, negotiating and drafting contracts, arbitrator and mediator training workshops; Panel member, Industry Arbitration Panel and Construction Mediation Panel, American Arbitration Association; President, Construction Specifications Institute of Los Angeles, 1993-94; Board Member, Advisory Board, American Arbitration Association; Arbitrator, Large Complex Case Panel, AAA.





# THE LOYOLA LAW SCHOOL CENTER FOR CONFLICT RESOLUTION

By  
**Michael T.  
O'Callaghan '93**

## Resolving the Conflicts in Our Lives and in Our Communities

■ IN JANUARY OF THIS YEAR, LOYOLA LAW SCHOOL, AS PART OF ITS COMMITMENT TO PUBLIC SERVICE, ESTABLISHED A NEW PROGRAM. CREATED BY DEAN GERALD T. McLAUGHLIN AND PROFESSOR BILL HOBBS, THE PROGRAM IS CALLED THE CENTER FOR CONFLICT RESOLUTION.

ACCORDING TO DEAN McLAUGHLIN, THE GOALS OF THE CENTER ARE COMMUNITY SERVICE AND EDUCATION. WITH RESPECT TO COMMUNITY SERVICE, THE CENTER PROVIDES BILINGUAL ALTERNATIVE DISPUTE RESOLUTION (ADR) SERVICES TO LOW-INCOME, LOS ANGELES RESIDENTS, PRIMARILY IN THE SPANISH-SPEAKING PICO-UNION COMMUNITY. EDUCATIONALLY, THE CENTER TRAINS LOYOLA STUDENTS IN THE EMERGING AREAS OF MEDIATION AND CONCILIATION.

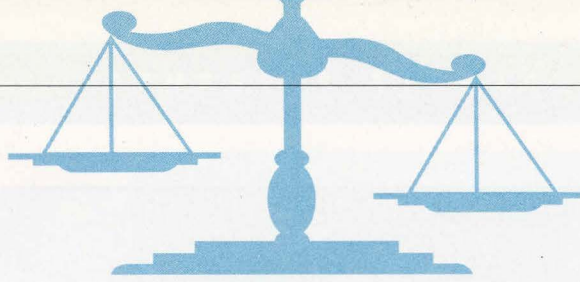
THE CENTER WAS CREATED WITH FUNDS FROM THE COUNTY OF LOS ANGELES, THE RALPH M. PARSONS FOUNDATION, HUGHES AIRCRAFT, THE LOYOLA PUBLIC INTEREST LAW FOUNDATION, LOYOLA LAW SCHOOL AND THE LAW FIRMS OF BURKE, WILLIAMS & SORENSEN AND MUSICK, PEELER & GARRETT.

MICHAEL T. O'CALLAGHAN '93, ON BEHALF OF THE *LOYOLA LAWYER*, INTERVIEWED PROFESSOR HOBBS AT THE CENTER AT LOYOLA LAW SCHOOL. THE INTERVIEW FOCUSED ON THE PURPOSES AND USES OF THE CENTER AND ALSO TOUCHED ON THE MANY USES OF MEDIATION AND CONCILIATION IN RESOLVING CONFLICTS IN OUR LIVES.

**LOYOLA LAWYER:** What is the difference between mediation and conciliation?

**Hobbs:** Mediation is a kind of conflict resolution in which the parties to the conflict meet face-to-face to resolve their conflict. We don't tell them what to do. We don't give them legal advice. We don't represent them. We use communication skills to help them talk to each other until they can communicate, and, once we've established the lines of communication, then we help them negotiate a resolution to their conflict. Conciliation is a kind of conflict resolution in





Marta S. Gallegos and Bill Hobbs of  
The Center For Conflict Resolution.

which the parties to the conflict *do not meet* face-to-face. Instead, we try to help the parties resolve their conflict by talking to the parties separately, often by telephone.

**LOYOLA LAWYER:** What types of conflicts do you handle at The Center?

**Hobbs:** We handle any type of conflict. We have had conflicts involving landlords and tenants, neighbors, divorces, employers and employees, consumers and merchants, family members, businesses, organizations, and government and social service agencies.

**LOYOLA LAWYER:** How do the parties feel about the mediation process?

**Hobbs:** Most of the parties are unfamiliar with the mediation process. They have never been to a mediation before. They may never have heard of mediation before. It is a learning experience for them. They generally respond quite positively to it once they understand it.

**LOYOLA LAWYER:** Primarily, it seems that there must be a willingness on both sides for this process to work?

**Hobbs:** Yes. This is a voluntary process. We have no power to order the parties to come to The Center.

**LOYOLA LAWYER:** Do people do this because they see that it is less costly than litigation?

**Hobbs:** Yes. That is one reason, but there are other reasons. We can conduct mediations in the evening and on Saturday. We can

usually arrange a mediation within two weeks. And, the mediation atmosphere may be less stressful.

**LOYOLA LAWYER:** You mentioned that you use community agencies. Is that the primary way to get the word to the local community about

the services that The Center provides?

**Hobbs:** Yes. We provide information about The Center to community groups; public, non-profit agencies; and community newspapers. We have been on KVEA-TV Channel 52 and KMEX-TV Channel 34.

**LOYOLA LAWYER:** Does The Center charge fees for its services?

**Hobbs:** No one will be charged a fee for the services of The Center who cannot afford to pay, however, we have a sliding fee schedule for those who can afford to pay.

**LOYOLA LAWYER:** How do you see lawyers using mediation in the future?

**Hobbs:** We see lawyers to be very important to the future of mediation. A lawyer's advice to a client in mediation is critically important and the acceptance by lawyers generally of mediation will be needed if this process is to become a part of our justice system.

**LOYOLA LAWYER:** How is mediation different from conventional litigation?

**Hobbs:** It can be quite different, depending upon the model used

**The Center is  
staffed by a  
director  
(myself) and  
an associate  
director. The  
associate  
director is  
Marta S.  
Gallegos. We  
rely heavily  
on her skill  
in getting  
the parties  
to the table.  
She is the  
heart of The  
Center.**



# PEOPLE



(l to r) Dean Gerald T. McLaughlin, Joseph M. McLaughlin '55, Hon. Malcolm M. Lucas, Kathryn D. Todd '70, Sr. Mary Milligan, R.S.H.M., Robert E. Courtney '60, and Rev. Thomas P. O'Malley, S.J.



(l to r) Martin L. Burke '61, Drew Bridges '80, Peter M. Thorson '78 and John Welsh of the law firm of Burke, Williams and Sorenson.

## FOCUS ON: ALUMNI DINNER and GRAND REUNION

the event held on the Law School campus. The event also inaugurated the latest addition to the Frank Gehry-designed campus, a stunning 840-car parking structure.

Among the awards presented: Joseph M. McLaughlin '55 received the Alumni Association's Distinguished Service Award, Honorable Harry Pregerson received the Reverend Richard A. Vachon, S.J., Service Award, and Honorable Kathryn D. Todd '70 was inducted as an honorary member of the Order of the Coif. Members of the classes of 1943 and 1944 were honored in celebration of their golden reunions, and the alumni members of the judiciary who graduated in the 1940s and 50s were given special honors.



Fiorenza Courtright Lucas and Hon. Malcolm M. Lucas





Loyola welcomes Adrian Shymko as the director of annual giving/alumni relations. He comes to the Law School with extensive experience

with volunteers, corporate executives, faculty and prospects in helping secure gifts of \$1,000 to more than \$1 million.

Shymko most recently served as executive director of the Friends of the Observatory in Griffith Park, and previously worked as a regional director of development for U.C. Berkeley and director of development for the School of Engineering at UCLA.

Shymko's primary responsibilities will be to plan, organize and implement the Annual Giving, Donovan Fellows and Alumni Relations Programs. He also will serve as executive secretary to the Alumni Board of Governors, including identifying and training new board members and managing the operations of the Alumni Association.

**(l to r) Members of the Class of '84 attending the Bowl were Rebecca Winthrop, Kimberly Smith, Renee Grief and Lloyd Grief.**



Loyola alumni, students and friends enjoyed an evening of jazz with Harry Connick, Jr. at the Ninth Annual Loyola Alumni Night at the Hollywood Bowl in August. A picnic preceded the concert under the stars.



**Laura and Paul Coble '86 (far right) brought their friends Greg and Tim Palmer and Marty and Volonda Mayer to the Bowl.**



**The Loyola class of 1974 held its 20th Reunion at the Museum of Flying in Santa Monica earlier this year. Roman Silberfeld '74 chaired the organizing committee.**



**Professor of Law Bryan Hull was one of more than 70 faculty and alumni who met with the 1994 entering class at an orientation mixer.**

# EVENTS





(l to r) The foursome of Ami V. Silverman '87, Margaret Martino, Irene E. Ziebarth '84 and Sally Lockett won the Women's Division.

More than 100 players participated in the Ninth Annual Loyola Law School Golf Tournament held in April at the California Country Club. Fred Martino '39 chaired the tournament. Pedus Security was the principal sponsor. Proceeds from the event funded a scholarship to a continuing Loyola student.

# PEOPLE



Mass in memory of Lloyd Tevis '50 was celebrated at Loyola Law School's Chapel of the Advocate in September. Rev. Michael Moodie, S.J., campus minister, served as Celebrant. Tevis, who graduated *cum laude*, served Loyola as both faculty and dean from 1960-86.



Professor Grace Tonner '78 and Grace Kobbé Tevis (spouse).



(l to r) Professor of Law Laurie Levenson, Cheri Wood '95 (St. Thomas More president 1994-95), Hon. Alex Kozinski, and Kristina E. Weaver '94 (St. Thomas More president 1993-94).



(l to r) John J. Collins '61, Hon. Otto M. Kaus '49, and Professor William G. Coskran '59.

Loyola's annual Scholarship Luncheon honors donors of scholarships and endowed faculty chairs. Christine N. Becker '96, 1993 Fritz B. Burns Scholar, addressed donors and scholarship recipients on what a scholarship has meant to her. Burns scholarships are awarded solely on the basis of scholastic ability and achievement.

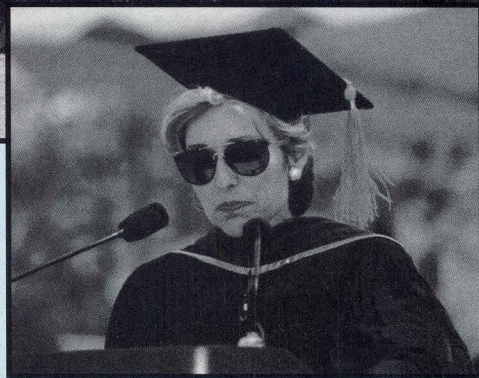
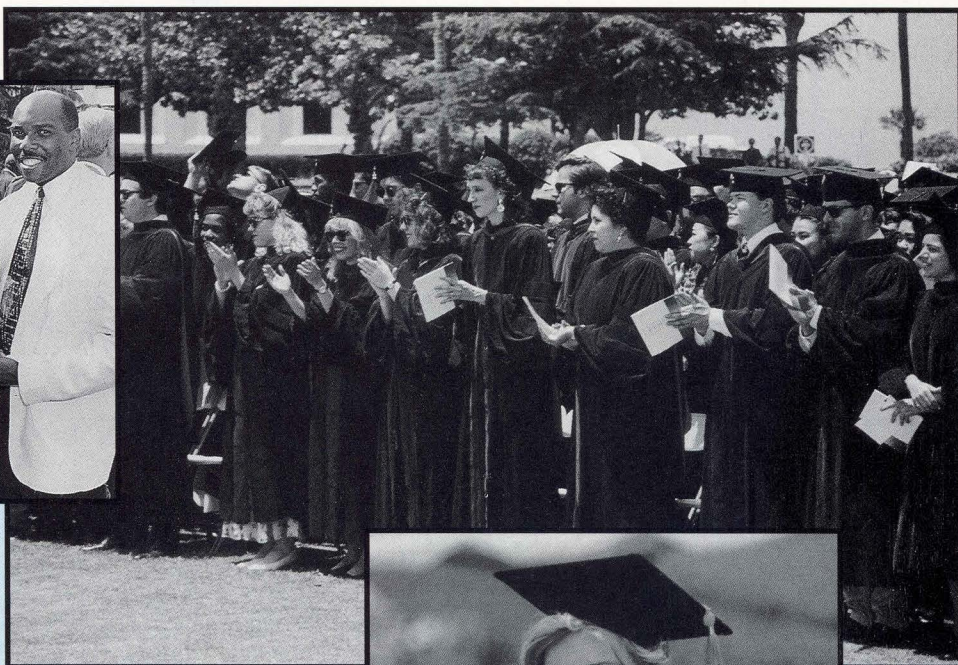


Christine N. Becker '96 and J. Robert Vaughan '39 of the Fritz B. Burns Foundation.



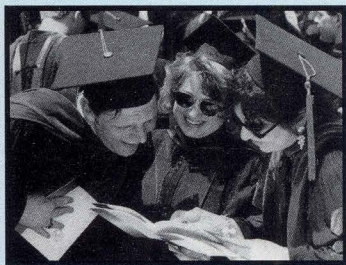


▲ Vera Denise Bennett-Grubbs '94 celebrates Commencement with her family.



Hon. Nora M. Manella, U.S. Attorney for the Central District of California.

# FOCUS ON: LOYOLA LAW SCHOOL'S COMMENCEMENT '94

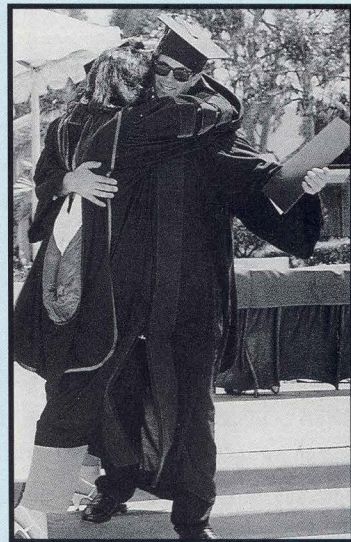


Honorable Nora M. Manella, U.S. Attorney for the Central District of California, gave the Commencement address at Loyola Law School's 73rd Annual Commencement Exercises held June 5 at the Loyola Marymount University campus. Awards were presented by Rev. Thomas P. O'Malley, S.J., president of Loyola Marymount University and Michiko M. Yamamoto, associate dean for student affairs. More than 350 candidates were presented for the *juris doctor* degree by Fr. O'Malley and Dean Gerald T. McLaughlin.



Cathy J. Choy '94 with her fans at the Commencement reception.

STUDENT

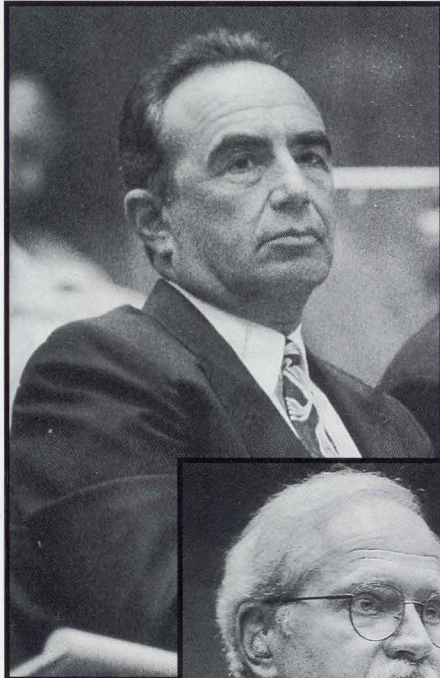






# LOYOLA PLAYS PROMINENT ROLE IN O.J. SIMPSON CASE

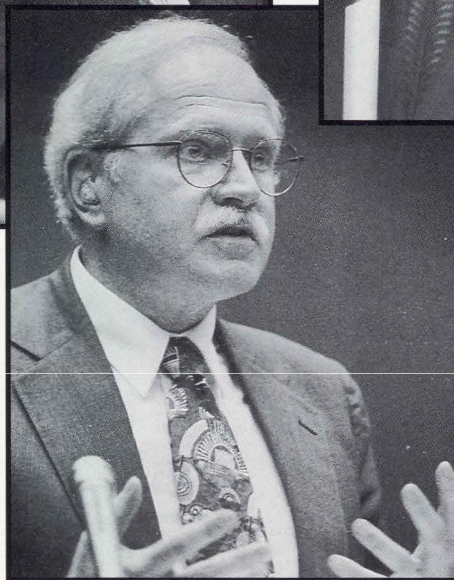
**Robert L. Shapiro '68**, a skilled negotiator, is the lead attorney defending former football player and actor O.J. Simpson. His previous roster of clients has included fellow attorney F. Lee Bailey, television host Johnny Carson, sports stars Jose Canseco, Darryl Strawberry, Vince Coleman and Lyle Alzado, film producers Ivan Nagy and Robert Evans, and music rapper Vanilla Ice.



**Johnnie L. Cochran, Jr. '62**, a leading civil and criminal trial attorney, is a member of the O.J. Simpson Case defense team. Cochran helped defend another football legend and actor, Jim Brown; and more recently, represented singer Michael Jackson. Cochran is the first attorney ever to be the recipient of both The Los Angeles Trial Lawyer Association's "Attorney of the Year" (1990) and the Los Angeles Criminal Courts Bar Association's "Jerry Giesler Memorial Award" (1976).



**Gerald F. Uelmen**, former professor of law (1970-86) and associate dean (1973-75) at Loyola Law School, is among the players on the O.J. Simpson defense team. Uelmen has teamed up with Robert Shapiro before, in representing Christian Brando. Among his wealth of legal experience: Dean of Santa Clara Law School, Assistant U.S. Attorney in Los Angeles (later promoted to chief of the special prosecutions division), President of California Attorneys for Criminal Justice, and Special Examiner for the State Bar of California in disciplinary matters. Uelmen earned his B.A. in political science from Loyola Marymount University, where he was named "Outstanding Debater," and his J.D. and LL.M. degrees from Georgetown University Law Center.



**Hon. Kathleen Kennedy-Powell '77** of the Los Angeles Municipal Court, presided over the recent preliminary hearings for O.J. Simpson that decided the sufficiency of the prosecution's evidence.







President of Community Build, Inc., Los Angeles, **Brenda Y. Shockley '71** was a 1994 NAACP-LDF Black Women of Achievement Award Recipient. Community Build, a non-profit, community-based corporation, was organized in response to the civil unrest of April 1992. Shockley is the former vice-president for finance and administration/operations at Charles R. Drew University of Medicine and Science in Los Angeles (Drew University), and past president of the Drew Economic Development Corporation (Drew EDC). Shockley organized Drew EDC to foster the concurrent development of the University and the surrounding community. Before Drew, she was a partner in a private law practice, an assistant to Congresswoman Yvonne Brathwaite Burke, a consultant to the Assembly Committee on Criminal Justice and a Los Angeles Deputy City Attorney. Throughout her career, Shockley has demonstrated the highest commitment to serving the needs of the community. She has utilized her education and her skills as administrator and attorney to effect systemic changes which strike at the root causes of social and economic inequity in the state of California.

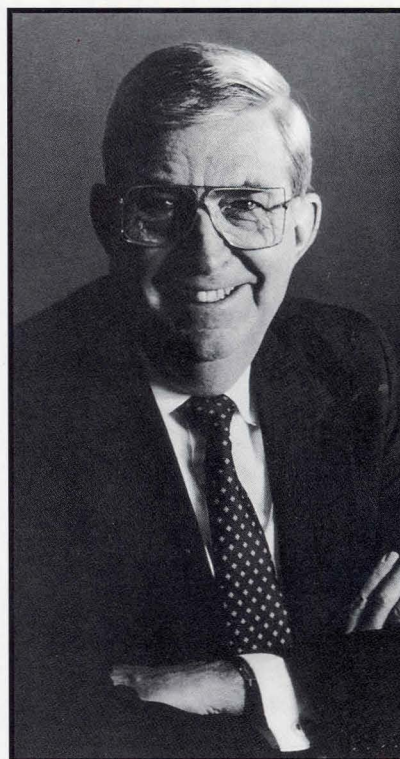
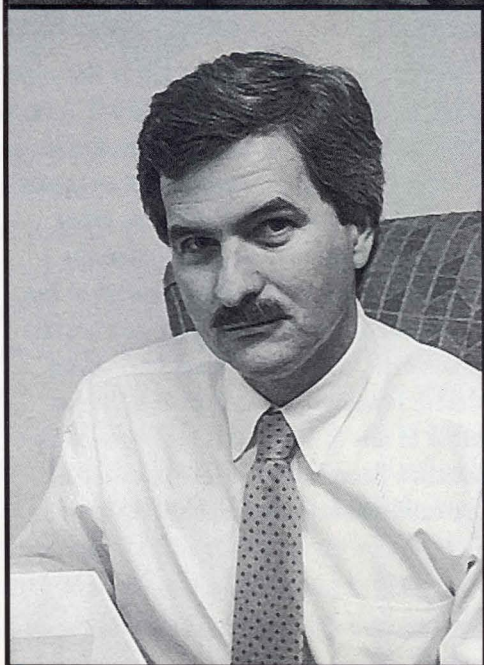


**Mary Orozco '61** was the first Latina admitted to the bar in the state of California. A native Californian, Orozco received her degree in Psychology from California State University, Los Angeles. Interested in public service and working as a legal secretary, Orozco enrolled at Loyola Law School to attain a *juris doctor* degree. She started with five other women at Loyola, but was the only one to graduate at the end of the three years. Orozco was also the founding member and president of the Mexican American Lawyer's Club. After graduation her goal was to start her own practice specializing in domestic, civil and criminal law. Along with her twin brother Hector, Orozco formed the firm Orozco & Orozco. She retired from the active practice of law in 1987. This past year, Orozco was honored at the Latino Graduation Reception at Loyola Law School. She was also honored by the Loyola Hispanic Alumni Scholarship Foundation.





**Rose M. Ochi '72**, former director of criminal justice planning as well as the executive assistant to Los Angeles Mayor Richard Riordan, has been selected by President Bill Clinton and confirmed by the Senate to be the associate director of state and local affairs for the Office of National Drug Control Policy.



**Charles R. Redmond '74** was recognized for professional achievement by Loyola Marymount University at the 11th Annual Grand Reunion held last summer. At this reunion, Redmond received the University's "Distinguished Alumni

**Award."** Redmond chairs the Pfaffinger Foundation, is president and chief executive officer of The Times Mirror Foundation, and serves as an at-large member of LMU's finance committee. Redmond previously has received the Law School's "Rev. Richard R. Vachon, S.J., Distinguished Service Award" and the Loyola Alumni Association's "Distinguished Service Award."

**Nicholas P. Saggese '80**, a partner with Skadden, Arps, Slate, Meagher & Flom in Los Angeles, was recently featured on the cover and profiled in the *Los Angeles Daily Journal's* "California Law Business" supplement as one of California's top rainmakers. Saggese's experience has included deals involving exchange offers and high-yield debt (junk bonds). His work has included initial public offerings or high-yield debt for gaming projects in Illinois, Louisiana, Mississippi, Iowa, Colorado, and prospectively in Indiana and Missouri. Primarily Saggese represents underwriters involved with the gaming market.



**Ellen P. Aprill** recently spoke on "Current Developments in Private Incurment," for the Tax Exempt Committee of the Los Angeles County Bar Tax Section, and on "Private Inurement and Private Benefit" at the 30th Annual Washington Non-Profit Legal and Tax Conference sponsored by Organization Management, Inc. In addition, Aprill's article, "Tribal Bonds: Indian Sovereignty and the Tax Legislative Process," was published in the *Administrative Law Review*. She was also named as articles editor for *The Tax Lawyer* (an ABA publication) for a three-year term.

**Derek Asiedu-Akrofi** delivered three lectures for the International Law Institute in Washington, D.C.: "The Role of Debt Reduction Techniques in International Debt Management," "Technical Assistance for International Debt Renegotiation," and "Institutional Arrangements in Support of International Debt Management." In addition, he published "Managing the Transition" for the *Malaysian Law News*.

**Barbara A. Blanco** presented an "Ethics Seminar" to legal services lawyers and for the Western Center on Law and Poverty. Additionally, she was a speaker at a seminar regarding "Updates in California Professional Responsibility" sponsored by the Asian Pacific American Legal Center.

**Jan C. Costello** wrote a chapter entitled "If I Can Say Yes, Why Can't I Say No?": Adolescents at Risk and the Right to Give or Withhold Consent to

Health Care," in the book *Child, Parent and State Law and Policy Reader*.

**Roger W. Findley** recently attended the annual meetings of both the American Law Institute and the Secretary of State's Advisory Committee on Private International Law in Washington, D.C. He also moderated a panel on "Clean Water Act Litigation,"



and gave a lecture on "Implementation of the Biodiversity and Climate Change Treaties" at the annual meeting of the National Association of Environmental Law Societies in Los Angeles. Findley also served as the international president of the International Conference on Codification of Environmental Legislation in Sao Paulo, Brazil, and presented two papers entitled "Regulation of Hazardous Wastes in the United States," and "Civil Liability for Environmental Damage in the United States."

**Catherine L. Fisk's** two articles, "Still Learning Something of Legislation: The Judiciary in the History of Labor Law" and "There Is Still So Much to Learn from Legislation" were published in *Law & Social Inquiry*. Her article "Lochner Redux: The Renaissance of Laissez-Faire Contract in the Federal Common Law of Employee Benefits," will be published in the *Ohio State Law Journal*.

**Edith Zahler Friedler '80** participated in "UNIDROIT, Harmonization of Transnational Norms and Processes," sponsored

by the Eason-Weinmann Center for Comparative Law at Tulane University. She also was inter-



viewed for a recent KMGX radio program, "Questions & Answers" on

Current Issues in Immigration Law. Over the summer, Friedler spoke at a conference on "*Sociedad y Estatutos Jurídicos Particulares*" sponsored by the University of Chile School of Law in Santiago, Chile. Her presentation was entitled, "*La Protección de los Extranjeros en Estados Unidos*" (Protection of Foreigners in the United States). In addition, she was a participant in the XIV International Congress of Comparative Law held in Athens, Greece, and is a member of the Executive Committee of the American Society of Comparative Law which met in conjunction with the conference.

**Jennifer Friesen** has written a chapter for the book *Nature and the Human Spirit: Towards an Expanded Land Management Ethic* entitled, "Nature, the Human Spirit, and the First Amendment." Friesen also published the 1994 Supplement to her treatise "State Constitutional Law: Litigating Individual Rights, Claims, and Defenses." In addition, she presented "Interstate Analogues to the Indiana Bill of Rights," for MCLE, sponsored by Indiana Civil Liberties Union, Indianapolis.

**George C. Garbesi** has retired from Loyola Law School. He initially was a visiting professor from 1965 to 1970, and returned in 1975 to continue his tenure teaching

such subjects as Contracts, Torts, Admiralty, International Law and International Protection of Human Rights.

**Victor J. Gold** published his essay, "Juror Competency to Testify that a Verdict was the Product of Racial Bias" in the *St. John's Journal of Legal Commentary*. He also has provided commentary on the O.J. Simpson case to *The New York Times*, CNN, the Canadian Broadcasting Corporation, ABC World News Tonight, ABC's Good Morning America, KABC-TV, NBC Nightly News, KNX Radio, and the *New York Daily News*.

**Charlotte Goldberg** was a panelist on the issue of legal ethics sponsored by Chabad Lubavitch, Vancouver, British Columbia. Her talk was entitled "Changing for the Better: Emphasizing the Ethics in Legal Ethics."

**Stanley A. Goldman** has given commentary to various local and national television and radio programs and newspapers. He is currently a legal consultant to CBS News and a regular correspondent for the *New York Daily News*. In addition, he continues to appear frequently on CNBC and several nationally syndicated daytime talk shows.

**William C. Hobbs**, director of The Loyola Law School Center for Conflict Resolution, was a judge for the American Bar Association's National Client Counseling Competition at Pepperdine Law School, and presented a six-hour conflict resolution workshop for Dispute Resolution Services of the Los Angeles County Bar Association.



He was also a trainer in mediation and cross-cultural relations training for Occidental College offered by the Dispute Resolution Office of the Los Angeles City Attorney.

**Lisa C. Ikemoto** published "Destabilizing Thoughts on Surrogacy Legislation," in the "Symposium: Surrogacy Legislation in California," in the *University of*



*San Francisco Law Review*. She also has been appointed to the Minority

Affairs Committee for the Law School Admissions Council (1993-95), served on the Minority Groups Executive Committee for the Association of American Law Schools (1993-94), and was recently elected to the Board of Governors of the Society of American Law Teachers.

**Jennifer Kamita '88** published *Law School ABC's* for Gilberts. Additionally, she provided "Skills Tutorials" as a seminar for minority students in the Los Angeles area.

**Randy F. Kandel's** article, "Power Plays: A Sociolinguistic Study of Inequality in Child Custody Mediation and a Hearsay Analog Solution," has been accepted for publication in the December 1994 issue of the *University of Arizona Law Review*. In addition, Kandel's article, "Which came first, the Mother or the Egg? A Kinship Solution to Gestational Surrogacy," was published in the Fall 1994 *Rutgers Law Review*; and her article, "Just Ask the Kid: Towards a Rule of Children's Choice in Custody

Determinations," was just published in the Winter 1994 *University Miami Law Review*.

**Kurt T. Lash** published "The Second Adoption of the Free Exercise Clause: Religious Exemptions Under the Fourteenth Amendment," for the *Northwestern University Law Review*. He also has published, "Rejecting Conventional Wisdom: Federalist Ambivalence in the Drafting and Implementation of Article V," in the *American Journal of Legislative History*.

**Laurie L. Levenson** serves as a legal expert for CBS News on the O.J. Simpson Murder Trial. She also is providing legal commentary for local, national and international television, radio and newspapers. In addition, Levenson has spoken at numerous bar association meetings and community group discussions about high publicity cases such as the O.J. Simpson Trial.

**Karl M. Manheim** served as a *pro bono* consultant to the California Health Security Act, a November 1994 ballot initiative which would establish a single-payer health care system in California and a pay-at-the-pump, no-fault auto insurance ballot initiative. Manheim is in Washington State for the Fall 1994 semester developing interactive Constitutional Law software.

**Therese H. Maynard** delivered the lecture "Securities Law Aspects of Registered Initial Public Offerings," for the University of California, Irvine, School of Management, and served on a panel discussion entitled, "Beyond

Respect: Toward True Gender Equality in the Workplace" for the First Friday Forum at Loyola Law School. The title of her talk was "Working Parents in the Work-place." In addition, she has published "Implications of Central Bank on Gustafson" in the *New York Law Journal*; "Gustafson v. Alloyd Co.: The Supreme Court to Decide a Section 12(2) Case" in *Insights*; "Following Dismissal of Pacific Dunlop Appeal, the Supreme Court Accepts a New Section 12(2) Case" in *Insights*; and "The Future of Securities Act Section 12(2)" in the *Alabama Law Review*.

**John T. McDermott** presented a paper on the "Enforcement of American Judgments in China, Japan, and Hong Kong" for the International Law Section of the State Bar of California's "International Law Weekend" in San Francisco. He also gave several lectures during a recent trip to Japan, covering such areas as the recent developments in U.S. Copyright Law at the mid-year meeting of the Japanese Copyright Society, Trade Law and Conflicts of Laws for graduate and undergraduate students at Waseda University and U.S. Legal Education for the Japanese Institute for International Business Law. Furthermore, Professor McDermott was appointed a "Visiting Research Scholar" by the dean and faculty of law at Dokkyo University in Sokashi, Japan. He spent two weeks at Dokkyo University, lectured on U.S. law and did research on

Japanese law. Additionally, he published "Legal Education & Legal Practice in the United States" in the *Journal of the Japanese Institute of International Business Law* and was recently appointed an "advisor" to the International Law Section of the State Bar of California.

**Gerald T. McLaughlin's** "International Developments in the United States," appeared in the *Australian Journal of Banking and Finance*. His monthly column "Commercial Law" (co-authored with Neil B. Cohen) continues to be published in the *New York Law Journal*. Additionally, he was chair of the ABA Working Group on Bank Guarantees and Standby Letters of Credit at the recent ABA Convention in New Orleans.

**Rev. Michael R. Moodie, S.J.** published "Fundamental Rights and Access to the Acts of a Case" in *Studia Canonica*. Additionally, his contributions to the "Symposium on Religious Law: Roman Catholic, Islamic, and Jewish Treatment of Familial Issues, Including Education, Abortion, *In Vitro* Fertilization, Prenuptial Agreements, Contraception, and Marital Fraud" appeared in the *Loyola of Los Angeles International & Comparative Law Journal*.

**Robert J. Nissenbaum** has been appointed secretary/treasurer of the Conference of Law Libraries of the Association of Jesuit Colleges and Universities. Next year he will serve as chair of the conference. He also presented a speech this summer on



"Networking in the Library" at the American Association of Law Libraries conference in Seattle.

**John T. Nockleby's** article, "Hate Speech in Context: The Case of Racial Threats of Violence," was accepted for publication by the *Buffalo Law Review*.

**Samuel H. Pillsbury** recently completed the manuscript of a book on deserved punishment and the law of murder and manslaughter, entitled "The Evils of Killing." He has also commented on criminal justice issues for a variety of media. Pillsbury was a legal commentator for Court-TV during the O.J. Simpson preliminary hearing and has been interviewed on the Simpson case and other criminal justice issues by the Los Angeles television stations, KCAL and KNBC. His newspaper interviews have included the *Los Angeles Times*, *The Washington Post* and the *Detroit Free Press*.

**Sande Buhai Pond** was reappointed to the Los Angeles County Bar Legal Services for the Poor Committee and was appointed to the Los Angeles County Bar *Pro Bono* Council. She also delivered a speech at the State Bar Annual Meeting concerning the Americans with Disabilities Act.

**Florrie Y. Roberts** is a volunteer judge (*judge pro tempore*) in the Los Angeles County Municipal Court (Small Claims Division) and has organized and carried out a moot court program for public school students involving the argument of a First Amendment case before the United States

Supreme Court. She also has been a speaker for public schools on "The Constitution, Freedom of Religion and Freedom of Speech." In addition, Roberts has been reappointed to the Attorney Fee Arbitration Panel for the Los Angeles County Bar Association as a voluntary arbitrator in fee disputes between lawyers and clients.

**Dan Schechter** served as a moderator and panelist for a recent Orange County Bankruptcy Forum entitled, "The Pending Bankruptcy Amendments Bill," which benefited the American Red Cross Fire and Earthquake Fund. He also was a panelist on "Hot Topics in Avoidance Powers Litigation," for the Los Angeles Bankruptcy Forum.

**Daniel P. Selmi** published "Experimentation and the New Environmental Law" for the *Loyola of Los Angeles Law Review*. In addition, he published "The Year In Review: Environmental and Land Use in the California Courts" in the *California Environmental Law Reporter*.

**Joseph V. Sliskovich '78** served as the VITA (Volunteer Income Tax Assistance) site coordinator at Loyola Law School and provided *pro bono* counsel to the Apple Tree Institute, a non-profit organization that provides computer training to teachers, parents and students in the California public school system.

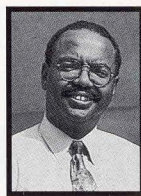
**Lionel S. Sobel** published the article, "The Law of Ideas, Revisited," in the *UCLA Entertainment Law Review*, and was

appointed to the Governing Committee of the American Bar Association Forum on the Entertainment and Sports Industries.

**Lawrence B. Solum** published "The Boundaries of Legal Discourse and the Debate Over Default Rules in Contract Law" in the *Southern California Interdisciplinary Law Journal*; "Situating Political Liberalism" in the *Chicago-Kent Review*; "You Prove It! Why Should I?" in the *Harvard Journal of Law & Public Policy*. In addition, he wrote a chapter entitled "Equity and The Rule of Law," for *The Rule of Law: Nomos XXXVI* (edited by Ian Shapiro).

**Marcy Strauss'** article, "Juror Journalism" has been accepted for publication by the *Yale Law & Policy Review* and her article "Reinterrogation" by the *Hastings Const. Law Quarterly*.

**Jon H. Sylvester** published "Sub-Saharan Africa: Economic Stagnation, Political Disintegration, and the Specter of Recolonization"



in the *Loyola of Los Angeles Law Review*. Sylvester is currently on a one-year leave of absence from Loyola Law School during 1994-95 and in the interim is a visiting professor at Golden Gate University School of Law in San Francisco.

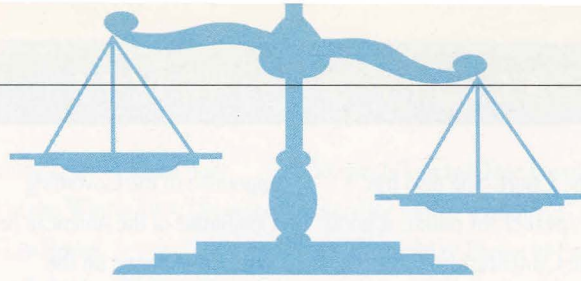
**Kathryn W. Tate** was re-elected to serve on the Board of Directors of the Western Law Center for Disability Rights.

**David C. Tunick's** article entitled, "Has the Computer Changed the Law?" has been accepted for publication by *The John Marshall Journal of Computer & Information Law*. He is also a member of the Panel of Arbitrators for Computer-Related Matters for the American Arbitration Association.

## TEACHER VS. STUDENT IN ASSEMBLY RACE

**Sheila J. Kuehl**, adjunct professor, decisively beat five Democratic opponents in the June 1994 primary for the currently vacated 41st District California State Assembly seat. Her opponent in the November general election, **Michael T. Meehan '95**, currently a third-year student at Loyola, defeated two opponents for the Republican nomination. This is the first time in memory that a Loyola faculty member has run against a Loyola student for a State Assembly seat. While Meehan has never taken a class taught by Kuehl, there has been good-natured kidding between their friends in the faculty and amongst the students.





# JURY CONSULTANTS

by Victor Gold, Professor of Law  
Loyola Law School

**T**he use of jury consultants is proliferating. Once a novelty, consultants are now commonly employed in high-stakes cases. These consultants would like the public to believe that they help lawyers pick an unbiased jury. But this is not what jury consultants do. Their real job is to help lawyers pick a favorably biased jury and then exploit those biases in ways that are hidden from the jury. This may be doing harm to our justice system.

Jury consultants, who are behavioral scientists, know that there is no such thing as an unbiased juror. It is a given in modern psychology that humans cannot make decisions about evidence without relating to past experience and preconceived beliefs. Thus, a jury consultant's job cannot be to help select an unbiased jury. Instead, the consultant identifies people who have hostile biases so they can be eliminated from the jury in favor of people who enter the courtroom pre-programmed to favor the consultant's client.

Consultants enable a lawyer to exploit bias in jury selection in ways so subtle that the jurors, judge, and opposing lawyer may not know what is happening. This is because research conducted by jury consultants can discover biases that no one would otherwise think are implicated in the case. Thus, while the judge and the opponent focus during jury selection on more obvious biases, information obtained from a consultant could help seat a juror who otherwise harbors bias.

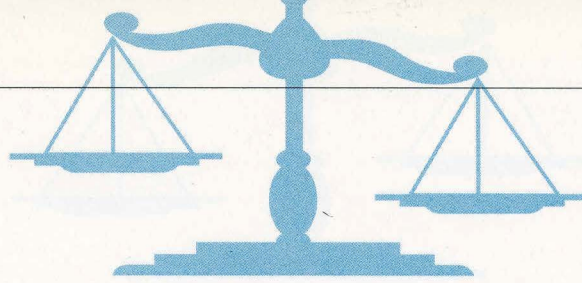
For example, a professional jury consultant has described a case in which a young mother brought suit against a pharmaceutical company on behalf of her brain-damaged child who had been delivered with a labor-inducing drug previously shown to be dangerous.<sup>1</sup> The doctor administering the drug admitted knowledge of its potential danger, but used it anyway to speed delivery so he could make a golf date. Surprisingly, jury selection research suggested that the best jurors for the defense would be young mothers. The research indicated that young mothers approached the case with the preconceived and irrelevant belief that the plaintiff was bringing the suit for her own benefit and that she did not really love her child. The importance of this discovery for defendant's trial strategy was clear to the jury consultant: "We realized that the mother's perceived lack of love for her child could be used as an important psychological anchor for the defense. Nothing to say outright, but something to constantly infer."<sup>2</sup>

The selection of a favorably biased jury is only the first part of the consultant's job. The consultant then suggests how to package both the evidence and the advocates to take advantage of the jury's biases. The techniques employed in this packaging are similar to those used to sell a car or a political candidate. This can include distorting the meaning of evidence as well as focusing the jury's attention away from the evidence.

For example, jury consultants frequently make recommendations concerning dress,<sup>3</sup> physical positioning of counsel relative to the witnesses and the jury,<sup>4</sup> and other aspects of

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# ON TRIAL

attorney courtroom demeanor.<sup>5</sup> These suggestions are aimed at enhancing the perceived credibility of counsel by manipulating his or her social image.<sup>6</sup> By seeking to create the impression of power and authority, these techniques focus the jury's attention on extralegal bases for decisionmaking: the social status and credibility of counsel are irrelevant to the issues in the trial. These techniques always attempt to affect jury decisionmaking through subtle means because an overt request to consider the attorney's social status probably would be ineffective, if not offensive.

Powerful social status is only one of many personal images that behavioral scientists have encouraged attorneys to cultivate covertly.<sup>7</sup> In fact, behaviorists have encouraged attorneys to

during *voir dire*. For example, if the juror served in Viet Nam and you did too, ask him about a few of the places and events with which you are familiar, to establish a common bond.<sup>11</sup> This same psychologist carefully notes that these efforts to curry favor with the jury must not be too overt in order to avoid the appearance of "shallow ingratiation,"<sup>12</sup> even though this would be a completely accurate interpretation of the attorney's motives. The goal of this technique is, again, to enhance the credibility of counsel in the eyes of the jury. Social psychologists have found that similarities between the source and the recipient of a communication increase the attractiveness and, hence, the credibility of the source in the eyes of the recipient.<sup>13</sup>

## The introduction of professional behavioral science into the courtroom can upset the delicate balance of power between these participants in the trial.

change their image as they move from one courtroom to another to account for changes in the make-up of the jury.<sup>8</sup> For instance, an attorney appearing before a predominately male jury is instructed to appear confident and efficient because men are said to believe that the attorney's primary job is to win.<sup>9</sup> On the other hand, the same attorney appearing before a largely female jury is encouraged to appear sincere and likable because women allegedly admire these qualities most.<sup>10</sup> The attorney can even tailor his or her image for each individual juror. One psychologist recommends, "[b]ring out similarities between you and the jurors

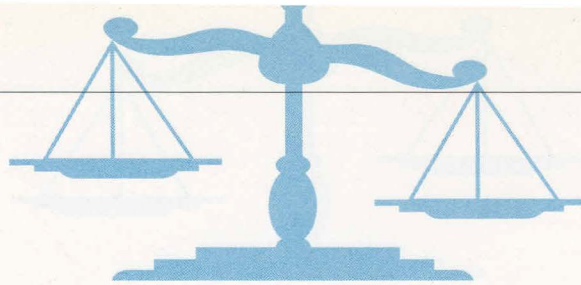
Hiding these efforts from the jury is vital to their effectiveness. This is because jurors will be offended if they realize that a lawyer is attempting to select a biased jury or distort the evidence. The jury might even decide that the lawyer does not think he or she can win fairly. To avoid this, appeals to bias will be subtle and the lawyers will repeatedly

assure the jurors that they were selected because they are unbiased. The result is trial by covert advocacy.

These practices of jury consultants pose a threat to our justice system. The legitimacy of the jury as an institution is based on two assumptions. The first assumption is that the jury will roughly reflect the values and biases of a representative cross-section of the people living in the community where the case is tried. This assumption is exploded to the extent jury consultants can stack the jury with people who have a few idiosyncratic biases. The second assumption is that the jury can competently

(Continued on page 27)





# UPDATE ON THE FIRST YEAR CLASS

In his report earlier in this publication, Dean Gerald T. McLaughlin reviewed the 1993-94 academic year and with it, the 1993 class. Let me now bring you up-to-date on the 1994 admitted class.

I am very excited about the entering class of 1994. We were successful in enrolling a very strong and diverse group of students. Loyola continues to admit first year students whose academic credentials compare favorably with the credentials of those entering the nation's most selective law schools.

The competition for admission to the Law School continues to be very intense. Slightly less than 10 applications were received for each seat in the first year class. Nearly 3,800 applications were received, one of the largest volumes in recent history. The median LSAT score for admitted students (day division) rose to 162 (approximately the 88th percentile) and the median undergraduate GPA for admitted students (day division) was 3.3. Many of our new students have completed a graduate or professional degree (MA, MS, MD, DDS, or PhD) prior to coming to Loyola.

The Law School has made significant progress in increasing the diversity of its student body. Both the ethnic representation and geographic distribution of this year's entering class are very

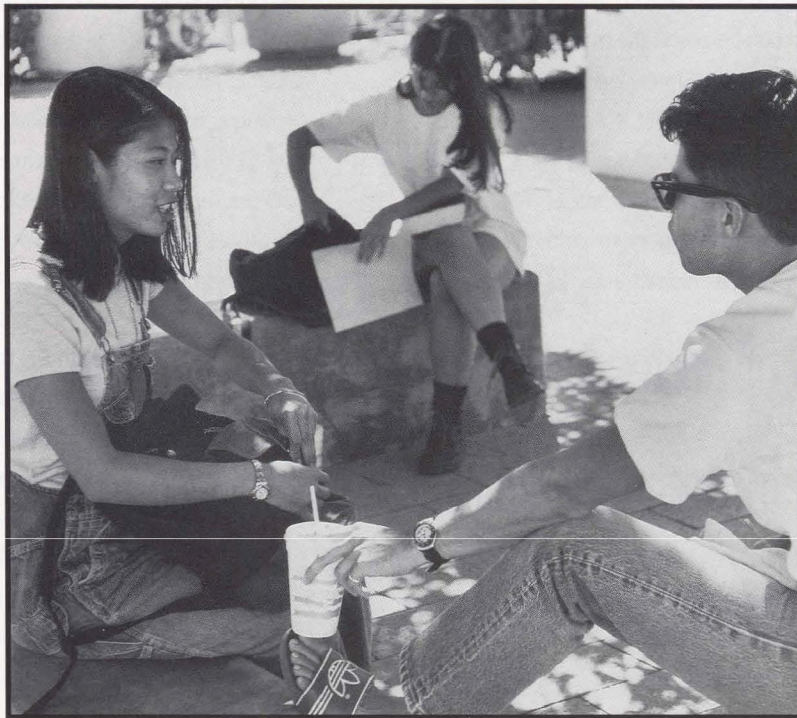
from  
**Anton Mack,**  
**Director of**  
**Admissions**

impressive. More than 40 percent of the first year students identify as members of ethnic groups historically under-represented in the legal profession. Loyola currently ranks among the top five percent of ABA-accredited law schools for minority student enrollment.

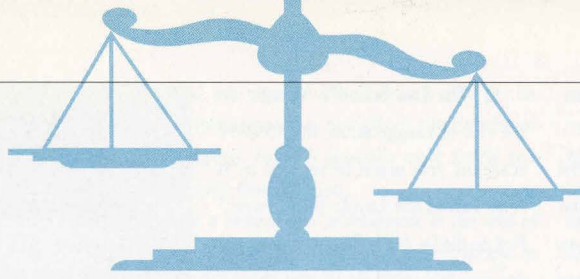
Members of the entering class of 1994 received undergraduate degrees from over 100 different colleges and universities. These colleges and universities are located in 36 different states and foreign countries. The Law School receives applications from a large number of students who have completed their undergraduate studies at prestigious, selective institutions. These schools include, but are not limited to Boston University, Brandeis University, University of California, Claremont College, Cornell, Georgetown,

University of Michigan, NYU, Occidental College, University of Pennsylvania, Stanford, University of Texas, and University of Washington. The first year class also includes students who have had successful careers in accounting, banking, business, engineering, entertainment, marketing, medicine, politics, public service and teaching before enrolling in law school.

The Fall 1994 entering class, like those that have come before it, is a bright, energetic and diverse group of individuals with an enormous potential for success in the legal profession.







**B**eing located in the "Entertainment Capital of the World," it is only fitting that Loyola Law School is home to one of the nation's oldest and most respected law journals dedicated to the field of entertainment law.

The *Loyola of Los Angeles Entertainment Law Journal* (ELJ) is now in its 15th year of publication. What began as a one-issue journal back in 1980 has expanded to the current format of three issues per year. The ELJ has established a reputation as an authoritative source of professional and scholarly articles on entertainment law. The ELJ has a special place in the world of law reviews and legal journals because it is one of the few scholarly reviews that dedicates itself exclusively to legal developments in the entertainment, sports, and communications fields.

Much of the continued success of the ELJ has been due to the editorial staff's ability to present scholarly articles dealing with current "cutting-edge" legal issues that affect all segments of the entertainment industry. Entertainment itself encompasses the complex legal issues of constitutional law, anti-trust litigation,

perfecting of security interests in copyrights.

Upcoming issues of Volume 15 of the ELJ will present an article by David Nimmer (a widely respected legal authority in the field of copyright law and co-author of the seminal treatise *Nimmer on Copyright*) about GATT and NAFTA trade agreements and their effect on intellectual property law. Volume 15 also will bring us an article by Loyola's own Professor Laurie Levenson dealing with the ethical standards of legal commentators, an issue which has been thrust into our homes in the wake of the King and Menendez trials, and the hearings and trial involving O.J. Simpson. Also, with the advent of the "Information Superhighway" and other related issues involving the digital information age, the ELJ will be examining the apparent inadequacies of our current intellectual property laws as to the protection of the rights of the creators of digitized property.

The ELJ encourages both input from Loyola alumni regarding the content of the ELJ, and the submission of articles to be considered for publication.

# THE LOYOLA OF LOS ANGELES ENTERTAINMENT LAW JOURNAL

**David C. MacCulloch '95, Editor-in-Chief**

securities regulation, bankruptcy, contracts, labor law, communications regulation, intellectual property law (copyright, patent and trademark), defamation, sex discrimination, and property law. As the world becomes more interconnected, entertainment legal issues have developed an international scope, addressing aspects of international trade and taxation, financing, and immigration. The ELJ has examined how these areas of law impact on the sports, movie, television, radio, publishing, and fine and performing arts industries.

Past issues of the ELJ have published insightful articles on film financing (this issue published in 1992 still brings in numerous requests for back copies), the advent of cross-ownership of multi-communications services, the on-going labor issues involving athletes in professional sports, state anti-stalking statutes, and the

Eds. Note: This is the third in a series of three articles to update Loyola's alumni and friends on the progress and excellence of the three student-run law journals. The Fall 1993 issue featured an article on the *Loyola of Los Angeles Law Review* and the Spring 1994 issue featured the *Loyola of Los Angeles International and Comparative Law Journal*.

**According to 1993-94 statistics, Loyola Law School is the largest ABA-accredited law school in California and the 12th largest in the nation.**



School student organizations. Several of these events, however, merit special mention.

- During the course of the 1993-94 academic year, several important academic symposia were published in our law journals. In the Fall of 1993, a symposium on "Interdisciplinary Perspectives on the Law" attracted articles from 13 academics. A pictorial essay entitled "Justice on Trial" containing courtroom sketches from the federal trial of Rodney King received widespread attention. In the Spring of 1994, a symposium reviewing "Twenty-Five Years of Environmental Regulation" included contributions from 23 scholars.
- In January 1994, the Law School hosted Judge Christopher Weeramantry of the International Court of Justice (World Court) and Robert Drinan, S.J., Professor of Law at Georgetown University Law Center.
- Three important Law School events occurred during April, 1994. First, the Third Annual Fritz B. Burns Lecture featured a debate on attorney sanctions between U.S. Federal District Court Judge William Schwartz, Director of the Federal Judicial Center in Washington, D.C. and Georgene Vairo, Associate Dean of Fordham Law School in New York City. Second, a distinguished panel of jurists consisting of Judges John Noonan and William Norris from the Ninth Circuit Court of Appeals and Judge Marilyn Patel from the U.S. Federal District Court for the Northern District of California heard the final round of the Law School's Scott Moot Court competition. Third, the student-run St. Thomas More Society presented its Medallion to Judge Alex Kozinski of the Ninth Circuit Court of Appeals during its annual student-faculty-alumni luncheon at the Four Seasons Hotel in Beverly Hills.
- The academic year concluded with two events that stand out as highlights of the Law School's year. The first was the Annual Alumni Dinner featuring Malcolm Lucas, the Chief Justice of the Supreme Court of California as honored guest. Held for the first time at the Law School, the dinner showcased Loyola's spectacular campus designed by Frank Gehry. With the addition of a new 840-car parking garage, the Loyola campus stands out as one of the most unique law school environments in the United States.
- The second highlight of the 1993-94 academic year was Commencement. The enthusiasm of the graduating class, the remarks of all the speakers (particularly those of Nora Manella, United States Attorney for the Central District of California) and the beauty of the day all blended together to create a truly memorable event.

**5) The Law School's Alumni.** At the risk of exaggeration, the 1993-94 academic year might be referred to as "The Year of the Loyola Trial Lawyer." Pick up the *Los Angeles Times* on almost any day and you are likely to read about a prominent trial attorney who graduated from Loyola Law School. Johnnie L. Cochran, Jr. '62, Robert Shapiro '68 and Larry Feldman '69 (to name only a few) have all been mentioned prominently and regularly in the media. Over 160 state and federal court judges have graduated from the Law School. Two of our "judicial alumni" also figured prominently in the press in the 1993-94 academic year — Judge Kathleen Kennedy-Powell '74 presided over the preliminary hearing in the O.J. Simpson case and Judge Manuel Real '51 stepped down as Chief Judge of the U.S. Federal District Court for the Central District of California, the largest federal district court in the nation. By way of a postscript to this discussion of our alumni, I should add that in 1993-94, the Law School's annual fund received over \$1,750,000 in contributions from 1,476 alumni and non-alumni donors. The 1,476 donors in 1993-94 was a new high for the Law School.

**6) The Future.** My optimism grows even stronger when I look ahead to the 1994-95 academic year. 1995 will mark the 75th Anniversary of Loyola Law School. To mark the excellence of these 75 years of history, the Law School has planned many celebratory events — both academic and social.

- On Thursday evening November 17, 1994, Loyola Law School will sponsor a program at the Museum of Tolerance entitled "Restoring Confidence in the Criminal Justice System." Professor Laurie Levenson will

## FACTS ABOUT LOYOLA'S NEW PARKING STRUCTURE

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moderate a distinguished panel, which includes, among others, Judge Richard A. Paez, U.S. District Court for the Central District of California, and Nora Manella, U.S. Attorney for the Central District of California.

- The Annual Burns Lecture will be held on Monday evening, March 13, 1995. Professor Melvin A. Eisenberg (UC Berkeley School of Law, Boalt Hall) and Professor Joseph A. Grundfest (Stanford Law School) will examine the doctrine of implied remedies under federal securities law. Therese Maynard will chair the discussion.
- On Thursday evening March 23, 1995, Loyola Law School will hold its Annual Alumni Dinner at the Hotel Inter-Continental in downtown Los Angeles, to celebrate its 75th anniversary. The Law School opened its doors in 1920 and since that time, has graduated 10,489 graduates.
- The final round of the Scott Moot Court competition will be held on Thursday evening April 6, 1995. The distinguished panel of judges will include:
  - 1) The Honorable Robert R. Beezer, Judge of the Ninth Circuit Court of Appeals.
  - 2) The Honorable Linda H. McLaughlin, Judge of the U.S. District Court for the Central District of California.
  - 3) The Honorable Kathryn M. Werdeger, Justice of the California Supreme Court.

It goes without saying, however, that the best way to celebrate the past is to make a commitment to the future. Loyola Law School has made this commitment. We will continue to work for excellence in all that we do.

**Did you know  
that the  
diversity  
student  
enrollment  
for Loyola's  
1994  
entering  
class is  
41 percent?**



arbitration has always been an essential part of any labor practice.

Despite its success in the labor field, ADR was not openly embraced in other areas of the law. Michael F. Minchella '69 blames the procedures utilized to select arbitrators and mediators for the general lack of acceptance of ADR. Minchella is a construction attorney and has served as both an arbitrator and a mediator for the American Arbitration Association (AAA). Today, he predominantly acts as an advocate in ADR settings. He stated that historically the construction industry did not regard the ADR process highly. According to Minchella, both contractors and owners felt "Solomonized" by the process and critical of the individuals serving as neutrals. Until recently, arbitrators and mediators were not carefully screened and virtually anyone who applied could serve as a neutral.

In sharp contrast, the procedures employed to select neutrals today are much more exacting. Rocco M. Scanza '84 is a Regional Vice President for the AAA in Los Angeles. His role as a representative of an ADR agency is to ensure the quality of the process. Scanza is charged with the responsibility of ensuring that the processes made available to parties are fair, guarantee due process, and offer the parties the ability to choose the highest quality neutrals available. Applicants are carefully screened and only the best candidates are selected to serve on the AAA's panels. The institution of better selection procedures has dramatically improved the quality of arbitration over the last decade, and Minchella attributes ADR's rise in popularity to the quality of the people now involved in the process.

Confidence in the neutrals is particularly important to the continued success of arbitration. In essence, an arbitrator acts as an adjudicator. An arbitrator listens to both sides' testimony and then renders a decision. In the majority of arbitration cases, the parties are bound by the arbitrator's ruling. Roberts takes this role seriously. He refuses to accept an arbitration unless the parties agree to be bound by his decision. His adamance stems from his belief that ADR can only work if the parties are committed to the process.

Edna E. Francis '75 is a labor arbitrator and a member of the prestigious National Academy of Arbitrators. She is a full-time arbitrator and mediator and has been involved in ADR since 1978. She says the role of an arbitrator is to resolve the parties' dispute by imposing a decision after hearing each party's case and, like most labor arbitrators, she is typically involved in "rights" arbitration rather than "interest" arbitration. In rights arbitration, the arbitrator is called upon to resolve a dispute over the application, meaning, or interpretation of an established provision of an existing agreement between the parties. In interest arbitration, the arbitrator, rather than the parties, determines the content of new provisions of an agreement, where, despite bargaining, the parties remain hopelessly deadlocked.

The advocate's role in arbitration is not unlike that of a litigator. Arbitration is similar to an informal trial process. The advocate must file a claim, prepare evidence and

witnesses, and present his or her client's case to the arbitrator. Arbitration does not afford the benefit of discovery or appeals, but it is generally more timely and much less expensive than litigation.

Mediation is a more recent development in the area of ADR. Scanza is largely responsible for the development of the AAA's Mediation Center on the West Coast. His interest in promoting mediation started when he recognized the increasing popularity of this type of dispute resolution among parties. He noted that the AAA has actually offered mediation services for over 50 years, but its name led to the misconception that it only provided arbitration services. Consequently, the AAA decided to formally establish a mediation center to make the public more aware of this means of dispute resolution.

Lee Kanon Alpert '72 also had a hand in the expansion of mediation in Los Angeles. Alpert was the first mediator for the AAA on the West Coast. Soon after accepting his position on this first mediation, which was a family law

matter, he met with Jerry Murase of the AAA and discussed expanding mediation services into other areas of the law. Alpert noted the same trend of back-logged caseloads in the civil courts, as earlier faced by the family law courts, and suggested mediation could successfully alleviate some of the strain in these other areas. Under Scanza's guidance, the AAA established a mediation services center. The center was first introduced in San Francisco and then spread to Los Angeles. The center has flourished since its introduction, and today, it is part of the AAA's national program.

McLaughlin, a principal in McLaughlin & Irvin and Loyola's most recent Distinguished Service Award recipient, attributes the rapid growth in mediation to its efficiency, both in terms of cost and time. With the overcrowded court calendars, a civil case could take five to ten years to go to trial. Mediation, on the other hand, offers a more timely and cost effective solution to many disputes.

*Continued on page 47*

*Loyola Barristers has been organized to meet the professional development needs of younger alumni; those who have graduated within the past five years. With recent activities concentrating on building professional networks, the Loyola Barristers seeks to keep new attorneys connected with each other and with Loyola.*  
The Loyola Barristers reports to the Loyola Law School Alumni Association Board of Governors.

## LOYOLA BARRISTERS' BOARD OF DIRECTORS

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(l to r) Hillary Bibicoff '91, Ricardo Torres, II '92, and Hisako Muramatsu '89.



by the mediator. For example, imagine going to court and finding no judge, no jury, no clerk, no reporter, no bailiff and no spectators. Instead, you find a mediator who will not make any decisions for you and who will express no opinion about your case.

**LOYOLA LAWYER:** How many students have been trained so far?

**Hobbs:** The Clinic operated by The Center is year-round. Since January, we have trained eight students. We are training four more now and we will train six more in the spring. We also train work-study students who work in The Center year-round.

**LOYOLA LAWYER:** How many cases are you handling now?

**Hobbs:** We average about 30 new cases per month.

**LOYOLA LAWYER:** How many permanent staff do you have at The Center?

**Hobbs:** The Center is staffed by a director (myself) and an associate director. The associate director is Marta S. Gallegos. We rely heavily on her skill in getting the parties to the table. She is the heart of The Center.

**LOYOLA LAWYER:** What types of problems have you encountered?

**Hobbs:** Our biggest problem is the lack of knowledge in the community about mediation itself. For example, very few people would think of looking for a mediator in the telephone book. Our task is not to reach out to the community to tell them about a new mediation program. Our task is to educate the community about what mediation is.

**LOYOLA LAWYER:** Why is that?

**Hobbs:** Because they have probably not experienced it before and because it is so unlike anything that they have experienced in past conflict situations.

**LOYOLA LAWYER:** Are you finding that after a while people begin to understand what mediation is all about?

**Hobbs:** We are finding that we must repeat the message at every opportunity. Two of the most effective ways to achieve understanding are to participate in a mediation and to attend one of The Center's trainings.

**LOYOLA LAWYER:** Is the key for an effective mediator an ability to stay neutral and to make sure that

you listen to both parties and to then try to facilitate that?

**Hobbs:** Yes. Good communication begins with good listening and the parties' trust is built upon their belief of the mediator's neutrality. The mediator tries to facilitate communication so that the parties can negotiate their way out of the conflict. Some of their communications may be difficult for them because it may be very personal or painful. However, if they trust the mediator, they are more likely to say what needs to be said.

**LOYOLA LAWYER:** How is the program useful to the students at Loyola?

**Hobbs:** Loyola students are learning about ADR and, in particular, about mediation, conciliation and facilitation. Given the ever-increasing use of ADR today, for students graduating now, ADR will be an important part of their practice.

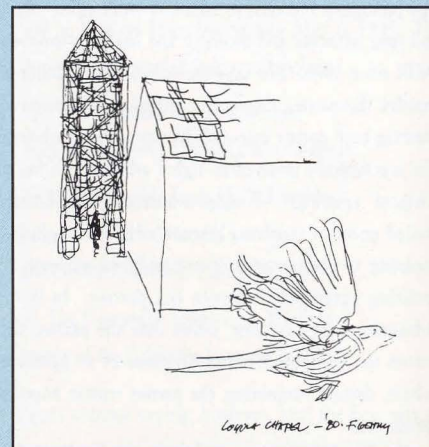
Loyola students are also learning communication skills as well as a process in which conflicts can be resolved. These skills and this process can be useful to them in their practice and elsewhere. These skills and this process can be used in negotiation, in litigation, in mediation, in dealing with clients and with colleagues, at the office or at home.

## LIMITED EDITION OF SERIGRAPHS TO BENEFIT FRANK GEHRY SCHOLARSHIP

Dean Gerald T. McLaughlin is very proud to announce the sale of a Limited Edition of signed and numbered serigraphs of Frank Gehry's architecture at Loyola Law School. Each serigraph is a black "working line drawing" printed on archival paper, and offered for sale at \$500. The Chapel (pictured) and The Burns Building are offered separately or as a pair. The Frank Gehry Scholarship for deserving students at Loyola Law School will be created by proceeds collected from the sale of these serigraphs. Please telephone Elizabeth Fry at 213.736.1096 in the Law School Development Office to reserve your order or return the order form request c/o Elizabeth Fry, Assistant Director of Development, Loyola Law School, 1441 West Olympic Boulevard, Los Angeles, CA 90015-3980.

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evaluate evidence and see through most efforts by the advocates to distort the truth. This assumption also is undermined when consultants enable lawyers to exploit bias and distort evidence in ways that are so subtle that the jurors may not be aware of how and why they are being persuaded.

In their defense, jury consultants say that they just help lawyers do more effectively what lawyers have always tried to do. After all, long before the first Ph.D set foot in a courtroom, trial lawyers were using intuition to psychoanalyze juries.

But lawyers with intuition pose fewer problems than those supported by scientists. Armed even with a keen intuition, the lawyer is still just one person not schooled in psychology, pitted against twelve jurors, a skeptical judge, and a hostile opponent. The introduction of professional behavioral science into the courtroom can upset the delicate balance of power between these participants in the trial. This is not to say that juror consultants are so powerful that they can weave a Svengali-like hold over the jury. But since the cases that go to trial tend to be the close cases, jury consultants could have a significant impact even if they move the jury only slightly. Anyone who doubts the impact of jury consultants has to explain why so many smart, experienced trial lawyers are spending thousands of dollars employing those consultants in virtually every case that hits the headlines.

In defense of covert advocacy one could argue that the problems it poses can be dealt with adequately by the advocates themselves. If one advocate influences jury decisionmaking on a subconscious level, the advocate's opponent presumably can attempt to negate that influence. Advocates, however, are poorly equipped to respond to subconscious persuasion. The principal tools of the responding advocate are cross-examination, counter-evidence, and argument. These tools are well-suited to attacking the reliability of the opponent's evidence, but not to attacking the manner in which the jury is influenced by that evidence subconsciously. Because covert advocacy affects jury decisionmaking subconsciously, the efficacy of any response or attack that is understood by the jury on a conscious level is problematic. The jury may be unaware that a subconscious process they have been cautioned against is even taking place.<sup>14</sup> For the same reason, opposing counsel may not even be aware that covert advocacy is being employed and needs response.

Responding to covert advocacy with covert advocacy may be even less promising. It is unlikely that a jury subconsciously exposed to bias and illogic favoring one side will be moved back toward fairness and logic by subconscious exposure to bias and illogic favoring the other side. Such a result unrealistically presumes a precision of and control over psychological forces akin to that which might be achieved in a physics experiment with billiard balls.

The impact of jury consultants comes at a bad time for our justice system. Skepticism about the jury is high, fed by verdicts in high-profile cases that seem inexplicable in light

of the evidence. Perhaps our best response to the use of jury consultants is to increase the power of juries to think for themselves. Thus, reforms that improve the education and sophistication of jurors could help. However, in a time of tight court budgets, it seems unlikely that we can make jury service much more attractive. Other reforms have been suggested by legal commentators to improve the involvement and performance of the jury. For example, we could provide jurors with daily transcripts so they could more easily remember testimony. We could permit jurors to suggest questions for the judge to pose to witnesses. We

1983, at 19, 20. Courts already are sensitive to the subconscious effect on the jury of clothing worn by a defendant in a criminal prosecution. See, e.g., *United States v. Harris*, 703 F.2d 508 (11th Cir. 1983) (forcing defendant to wear jail clothing to *voir dire* examination of prospective jurors improper); *People v. Taylor*, 31 Cal. 3d 488, 645 P.2d 115, 183 Cal. Rptr. 64 (1982) (forcing defendant to wear jail clothing to trial improper).

<sup>4</sup> See, e.g., Colley, *Friendly Persuasion: Gaining Attention, Comprehension and Acceptance in Court*, *Trial*, August 1981, at 45.

<sup>5</sup> See, e.g., Sannito, *Nonverbal Communication in the Courtroom*, *Trial Dipl. J.*, at 28 (voice volume "is related to



## VICTOR J. GOLD

### PROFESSOR OF LAW

#### WILLIAM M. RAINS FELLOW

Professor Gold practiced commercial and environmental litigation with Nossaman, Gunther, Knox & Elliott in Los Angeles where he was offered a partnership. He was a member of the faculty of Arizona State University School of Law from 1980-84, where he attained the rank of Professor. He joined the faculty of Loyola Law School in 1984. Professor Gold writes on federal evidence law, and is a member of the American Law Institute. He earned his J.D. degree from the University of California at Los Angeles School of Law, where he was named to the Order of the Coif.

could give jurors most of their instructions on the law before the presentation of evidence so the relevance of that evidence is more obvious. These and other reforms that have been suggested are, of course, not without their disadvantages. But without some effort to level the playing field between lawyers and juries, advances in jury consultant techniques will ensure that the problem will only get worse.

#### NOTES

<sup>1</sup> Dancoff, *Hidden Persuaders of the Courtroom*, *Barrister*, Winter 1982, at 17, 52.

<sup>2</sup> *Id.*

<sup>3</sup> See, e.g., Colley, *First Impressions*, *Litigation*, Summer 1977, at 8, 9; Crawford, "Courtroom Lovers," *Trial Dipl. J.*, Spring

perceived credibility, the trait of dominance").

<sup>6</sup> Numerous jury studies have documented the link between attractiveness and perceived credibility. See, e.g., H. Kalven & H. Zeisel, *The American Jury* 385 (1966).

<sup>7</sup> See, e.g., Wells, *Lawyer Credibility*, *Trial*, July 1985, at 69 (trial lawyers should give the impression of expertness, trustworthiness, and dynamic personality).

<sup>8</sup> See, e.g., Sannito, *Psychological Courtroom Strategies*, *Trial Dipl. J.*, Summer 1981, at 30, 33.

<sup>9</sup> See Lind & O'Barr, *The Social Significance of Speech in the Courtroom*, in *Language and Social Psychology* 66, 87 (H. Giles & R. St. Clair eds. 1979).

<sup>10</sup> *Id.*

*Continued on next page*



<sup>11</sup> Sannito, supra note 8, at 33.

<sup>12</sup> Sannito, supra note 8, at 33.

<sup>13</sup> See Liz & Penrod, Increasing attorney Persuasiveness in the Courtroom, 8 *LAW & PSYCHOLOGY REV.* 1, 38-39 (1984). Fortunately, there are limits to the efficacy of this technique. *Id.* at 39. Lawyers have been encouraged to enhance the credibility of their client by taking advantage of this same psychological phenomenon. See Wells, supra note 7, at 71 ("[L]awyers should use *voir dire* to find out as much as possible about the jurors' educations, socioeconomic backgrounds, attitudes, and beliefs, and then highlight those aspects of the client's personal profile that are most similar to the jurors.")

<sup>14</sup> When people are required to conduct self-analyses to determine why they act a certain way or think certain thoughts, they are subject to making the same errors they tend to make when engaging in any other inferential task. See R. NISBETT & L. ROSS, *Human Inference: Strategies and Shortcomings of Social Judgment*, at 195-227 (1980). This finding suggests that, even if counsel warns jurors about the potential for inferential error, they may not perceive correctly if and when they might commit that error. Instructions to the jury from the judge to avoid certain types of errors frequently are ineffective. See generally Lind, The Psychology of Courtroom Procedure, in *The Psychology of the Courtroom* 29-31 (N. Kerr & R. Bray ed. 1982) (reviewing studies concerning jury obedience to instructions).



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*If you would like information on how you can provide for the future of Loyola Law School by making a bequest or other form of deferred gift, please write or call Barry VanderKelen, Director of Development, Loyola Law School, 1441 W. Olympic Blvd., Los Angeles, CA 90015-3980, 213.736.1025.*



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1993-94

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Loyola Law School is deeply indebted to the generosity of the Fritz B. Burns Foundation which gave \$750,000 to be used to build a new student services center. Construction will begin in 1995.

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If you or your spouse are employed by a firm or corporation which will match your contribution, please contact your personnel office for details. Any matching contribution made by your company is credited to you. For instance, if you make a gift of \$500 and your company matches that gift, you will be credited with a gift of \$1,000 and membership in the Donovan Fellows.



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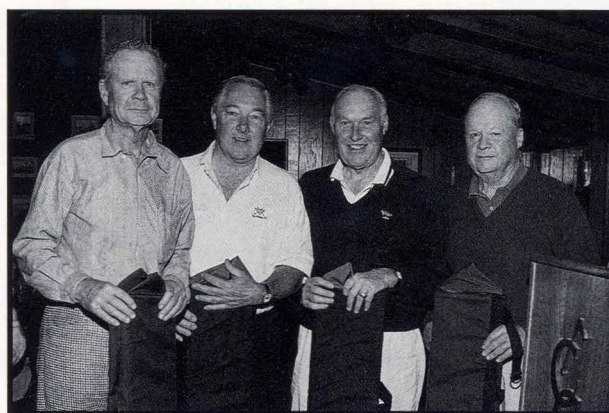


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*Fritz B. Burns Foundation directors Joseph E. Rawlinson '58 (far left) and Kenneth Skinner (far right) with speakers Professor Georgene Vairo and Hon. William W. Schwarzer at the Third Annual Fritz B. Burns Lecture.*

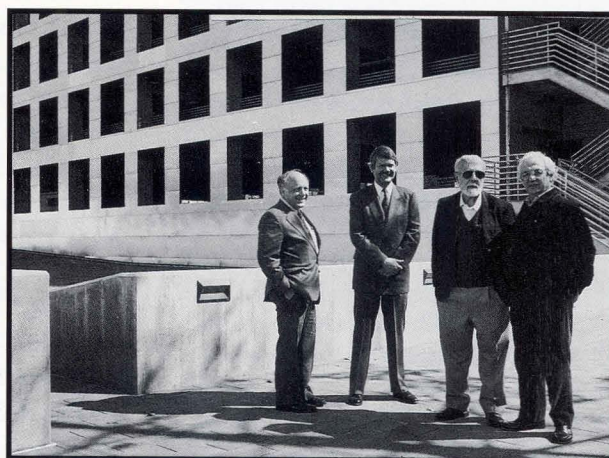


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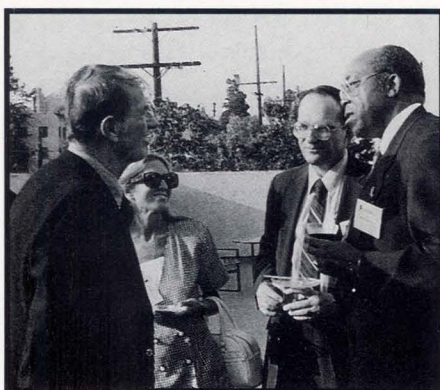


(l to r) Michael Plunkett, assistant architect, SyArt Parking Structures, Inc.; Dean Gerald T. McLaughlin, Sam Kurtz, CEO of SyArt, and Frank Gebry, campus architect, stand before Loyola's newly completed 840-car parking structure.

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*(l to r) Among those attending the Rev. Richard A. Vachon, S.J. Memorial Mass were John D. Vachon (cousin), Hon. Marlene A. Kristovich '78, Thomas B. Kristovich '72, and John O. Adams '70.*

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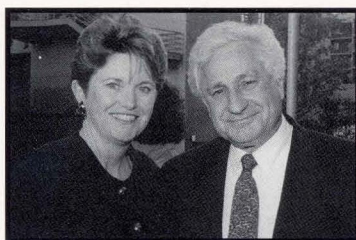


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## FACULTY



(l to r) Dean Gerald T. McLaughlin, Professor Daniel E. Lazaroff, Professor Georgene Vairo, and Hon. William W Schwarzer.



"Rule 11 Reform: Progress or Retreat on Attorney Sanctions" was the topic of the Loyola-hosted **Third Annual Fritz B. Burns Lecture** in April. The discussion focused on recent significant amendments to Rule 11 of the Federal Rules of Civil Procedure. The lecture was given by two of the nation's leading authorities on Rule 11 — Associate Dean and Professor Georgene Vairo of the Fordham University School of Law and the Honorable William W Schwarzer, senior judge in the United States District Court for the Northern District of California and director of the Federal Judicial Center. Dean Vairo has written a leading treatise on Rule 11 as well as several

articles on the subject, and has lectured extensively on the subject throughout the United States. Judge Schwarzer has authored books and scholarly articles on a variety of subjects relating to the federal courts and the administration of justice, including several pieces on Rule 11. The lecture was coordinated and moderated by Daniel E. Lazaroff, Professor of Law and Leonard E. Cohen Chair in Law and Economics at Loyola.



## COMMUNITY

## ETHICS VIDEOTAPES: A BEST SELLER

Loyola Law School's ethics videotapes and teacher's manual, "Professional Responsibility in Practice," written and produced by Professor Michael Wolfson with the support of a grant from the W.M. Keck Foundation, are now in use in over 160 educational institutions in the United States, Canada and Australia. In addition, the videotapes are being used in a joint venture between Loyola and the Center on Professionalism at the University of Pennsylvania as the basis for a number of Continuing Legal Education programs to be presented in Pennsylvania and North Carolina to satisfy each of those state's mandatory CLE ethics requirement. There are plans to adapt the CLE programs to other states as well over the next few years. Income from these CLE activities will be placed in a W.M. Keck Scholarship Fund to benefit Loyola students.

The videotapes and teacher's manual have received high marks for quality and content from a number of major publications. The *Legal Video Review* and Prentice Hall's *Lawyer Hiring and Training Report*, both national publications, found the video materials to be a major contribution to the training of lawyers and law students in the area of Professional Responsibility. The *Los Angeles Lawyer*, the magazine of the Los Angeles County Bar Association, in a lengthy review last June said, "The ability to parrot rules of professional conduct does not ensure that we can spot an ethical violation in the real world. The velocity of events precludes the opportunity for calm reflection, with the result that attorneys may not recognize a pitfall until they have fallen into it. That is why the 'Professional Responsibility in Practice' project is so valuable . . . . Fortunately, Loyola does not confine this program to students. The project is available to law firms, bar associations or anyone else. Experienced lawyers do not have to spend a large amount of time in order to benefit from these tapes. Even a cursory viewing would achieve a major goal: encouraging us to stop and think."

**LOYOLA LAW SCHOOL ALUMNI MAY PURCHASE THE ETHICS VIDEOS AT A SUBSTANTIAL DISCOUNT. PLEASE CALL ELIZABETH FRY FOR MORE INFORMATION AT 213.736.1096.**



The role of the mediator is quite different from the arbitrator. Alpert has mediated a number of very complicated cases and has received high praise for his work from the attorneys involved in those cases and from his peers. He views his role in mediation first as a listener and second as a facilitator.

Good listening skills are essential for all mediators to enable them to distinguish fact from fiction. Alpert noted that in many instances disputes are not purely legal matters. Often, parties' egos or personal differences come into play. When such is the case, the mediator's first job is to try and ascertain what the real dispute is.

After defining the dispute, the mediator then attempts to assist the parties in effectuating a solution that is comfortable for all involved. This is often very tricky, particularly since the mediator has no authority to impose a decision upon the parties. Their participation is strictly voluntary, and only their own commitment to the process will allow them to reach a binding agreement. Alpert opined that a lot of what he can do as a mediator depends on the existing relationship(s) between the parties. Unlike a litigation setting, mediation can be a way of resolving disputes without dissolving the relationship. Thus, the stronger the relationship between the parties, the more flexibility the mediator may have to fashion an acceptable solution.

Ross R. Hart '76 notes that it takes a special kind of individual to be a mediator. Hart has gained a reputation as one of Los Angeles' best mediators. In his view, the ideal mediator should possess the following qualities:

1. **intelligence** to readily grasp the essence and components of a dispute;
2. the ability to **think quickly**;
3. **complete impartiality**;
4. **creativity** to look at a problem, see each party's interests, and then create a solution amenable to all;
5. an **understanding of psychology** in the sense that the mediator must understand human nature and what makes people tick;
6. the ability to **let people vent**;
7. the ability to recognize **how far a party can be pushed**; and
8. **knowledge of the subject matter** involved in the dispute.

Minchella also asserts that the mediator must possess a willingness to tirelessly work the case to the point of exhausting all practical opportunities (to settle without litigation).

The role of the advocate in the mediation process is to present the client's case in such a way that the mediator sees his or her side without it becoming unbelievable. Minchella says the advocate's job in mediation is much more delicate than in arbitration or litigation. According to Stephen J. Densmore '77, the advocate must adapt his role to the needs of his or her client. Densmore is an arbitrator and a mediator with the AAA, but today he primarily acts as an

advocate in the ADR arena. As an advocate in this setting, his goal in mediation is to use his background as a mediator to make the process work for his client. Densmore says his role as advocate is to predict the mediator's moves and recommendations and defuse any possible psychological manipulation by the mediator.

Regardless of which form of ADR a party chooses, the keys to success seem to be similar. Alpert stresses that successful ADR requires the parties to come to the process with:

1. a willingness to compromise,
2. a willingness to listen to the other side,
3. a willingness to settle the dispute in an economical and reasonable manner with regards to all interests, and
4. a reason to resolve the case.

The fourth requirement may in fact be of utmost importance; if a party has no reason to resolve a dispute, the case will not settle. However, Hart notes that the parties must recognize that all disputes will end at some time; the key is to get the parties to recognize this fact.

Paul D. Fritz '72, a former defense attorney with Archbald and Spray and the founder of Creative Dispute Resolution (CDR), ties success in the ADR arena to both the quality of the neutrals employed as well as the preparation of the parties. Fritz's firm is a private organization offering services similar to the AAA. The nine individuals who work with him were carefully selected because of their good judgment and the quality of their performances on the bench. In his view, the quality of the neutrals is essential not only to successful resolution of disputes through ADR but also to the continued viability of ADR as procedure for dispute resolution. Minchella notes that the parties' respect for the neutral also plays a large role in the success of the procedure. Particularly in mediation, where the mediator's recommendation is not binding, if the parties respect the mediator, they must think long and hard about bucking his or her recommendation.

The general consensus among the alumni interviewed is that the demand for ADR will only increase in the future. Scanza said we need look no farther than the AAA's own track record to see that the demand is clearly on the rise. Looking at the growth of the industry as a whole, the increase in the number of ADR service providers, and the number of individuals who hold themselves out as neutrals, Scanza finds the growth in the field extraordinary, particularly over the last decade. The growth of ADR is a trend many experts expect to continue. The congestion of the court system will only serve to add to the future demand for alternative procedures to resolve disputes. McLaughlin notes that some courts are already so bogged down with criminal trials that litigants can't get a civil trial date.

Alpert anticipates that the enactment of the three strikes law in California will add to this dilemma. Alpert, who also serves as past chair and current county commissioner on the judicial procedures commission, says the impact of the three strike system will create additional stress on the court system by removing a criminal's incentive to plea bargain.

As more and more criminals decide to take their chances in litigation, ADR will become even more significant. According to Alpert, it may become the only means available to resolve civil disputes.

Detractors argue that ADR is creating a separate system for the wealthy. One need point no further than such high publicity trials as the Menendez brothers or O.J. Simpson murder trials to show the folly in such arguments. Clearly, these individuals received the best defense money could buy under the existing system. Rather than make justice less available to the masses, ADR would arguably allow many who can not afford the high cost of litigation a means to resolve their disputes. Nevertheless, many traditional litigators are concerned that resorting to ADR will tip their hand or impair their credibility with clients. In response to their skepticism, Scanza points to the fact that nearly 90 percent of the cases that the AAA mediates settle. Such high success rates really outweigh any potential risks associated with ADR. Since the majority of cases will in all likelihood settle, the real question becomes when that resolution will occur.

We are quick to note that not all of those interviewed share the view that ADR will continue to increase in demand. Fritz believes ADR has already reached its peak. Although he believes ADR should be part of the litigation process, he does not agree that it will replace litigation. Fritz opined that ADR will offer a more affordable means of justice for cases currently filed in municipal court (claims under \$50,000) but averred that large cases will continue to be handled by professionals the way litigation has always been handled. "The place for ADR," he noted, "is to sit on the sidelines and be a useful tool when necessary."

Hart and Densmore disagreed with Fritz's analysis, as did Alpert as mentioned earlier. Hart compared the shift to ADR with the downsizing occurring in most corporations. The days of the big law firm engaging in lengthy litigation with unlimited budgets are numbered. Hart stressed that the system can no longer handle or afford such litigation, and the big firms recognize that they must embrace ADR or be left behind.

Densmore opined that the shift to ADR will spawn a whole new breed of legal professional, the professional mediator. He noted that anyone with a good judicial temperament can be an arbitrator, but he believes that the profession of mediation will strictly be a system of "stars." The increased use of ADR will generate an unparalleled demand for these mediators and offers a new horizon for many legal scholars.

Loyola Law School is keeping abreast of the changing times on campus as well. With the opening of the new Center For Conflict Resolution, Loyola exposes students to ADR as part of their legal education. Under the direction of Bill Hobbs and Marta Callegos, The Center offers Loyola students training and hands-on experience in mediation and conciliation.

The future of ADR appears to be now. Through the outstanding achievements of our alumni and the efforts of the Law School to prepare its students for the times, Loyola appears ready to lead the legal profession into the 21st Century.



**1940 James H. Kindel, Jr.** currently serves on the Planning Committee for the UCLA Attorney Assistant Training Program.

**1946 Ralph C. Dills**, a South Bay Democratic state senator, recently won the Democratic primary nomination for the newly created 28th Senate District in California. With more than 37 years of combined service in the Senate and Assembly, Dills has served longer than any lawmaker in California history. In addition to being a co-founder of California State University Long Beach, he has also been a professional musician and a judge for 17 years.

**1950 Hon. Charles E. Frisco** of the Los Angeles Superior Court has retired from the bench.

**1952 Walter R. Baranger**, long-time Orange County attorney with such clients as actor Dick Powell and singer Pat Boone, passed away in June. **Marshal M. Schulman** recently defended a client in the high-profile "honor-roll murder" trial in Orange County. Schulman, whose caseload has included many of the biggest trials in Orange County, was responsible for putting the two defendants involved with the famous Onion Field case on death row when he worked for the Los Angeles District Attorney's Office in the early 1960's. Schulman also has been named among the "Best Lawyers in America" for several years running.

**1953 Jerrold A. Fadem**, a senior partner and noted expert in the field of condemnation law with the Los Angeles firm of Fadem & Douglas, passed away in January. He earned nationwide recognition for representing property owners against government agencies, primarily in litigation involving condemnation and inverse condemnation, physical damage, and excessive regulation of land use. Many of the 200-plus cases he tried in California and 14 other states resulted in landmark appellate decisions that have defined and expanded the rights of property owners against government invasion.

**1954 Arthur N. Hews**, a nationally known personal injury attorney and more recently the chief executive officer of Los Angeles-based Wave Newspapers, passed away in March.

**1955 Paul J. Conn** was recently invested in the Roman Catholic Pontifical Order of the Knights of St. Gregory by Cardinal Roger M. Mahony, Archbishop of Los Angeles, in ceremonies at St. Vibiana's Cathedral. The Order, established in 1831, recognizes those who have "promoted the interests of society, the Church and the Holy See."

**1956 David Daar** recently wrote *Daar's Laws of Flying Helicopters* which covers both the techniques of flying and the laws that govern helicopters. Daar tries to keep current as a helicopter pilot while working as a trial lawyer and corporate counsel in Los Angeles. As the head of the aviation law practice for his law firm, Daar & Newman, he has written extensively in the field, including a standard work used by the legal profession -- *Aviation Insurance Law (California)* --

and was formerly a contributing editor for *Rotor & Wing Magazine*.

**1957 Hon. Dion G. Morrow** has retired from the Los Angeles Superior Court. **Hon. Robert C. Todd** and Hon. William F. Rylaarsdam '64, both of the Orange County Superior Court, were recently profiled in the *Verdict*, the magazine for the Association of Southern California Defense Counsel, for their views on how new lawyers should conduct themselves in the courtroom.

**1958 Hon. Richard A. Gadbois, Jr.** was recently nominated by Cardinal Roger M. Mahony, Archbishop of Los Angeles, for enrollment in the Roman Catholic Pontifical Order of the Knights of St. Gregory.

**1963 Hon. Richard D. Aldrich** of the Ventura County Superior Court has been nominated to the 2nd District Court of Appeal, Division Three in Los Angeles, by Governor Pete Wilson. Through his work with state bar officials in writing local court rules allowing *ex parte* communications for lawyers requiring special accommodations, Aldrich has championed several laws to aid lawyers with disabilities. He is also a former member of the State Bar's subcommittee on the Employment of Lawyers with Disabilities.

**1964 William F. Rylaarsdam** and Robert C. Todd '57, both of the Orange County Superior Court, were recently profiled in the *Verdict*, the magazine for the Association of Southern California Defense Counsel, for their views on how new lawyers should conduct themselves in the courtroom.

**1966 Paul A. Jacobs**, former mayor of Culver City, recently won a primary election nomination for the Culver City Municipal Court. **Dennis Patrick O'Connell** recently ran for the Central Municipal Court in Orange County.

**1967 David Laufer** has been elected editor and chair of the Franchise Business Opportunities and Licensing Law Committee of the American Bar Association's General Practice Section. **Patricia D. Phillips** received a plaque from the California Supreme Court Chief Justice Malcolm Lucas in appreciation for her three years of service on the California Judicial Council. Phillips is one of four attorneys in private practice to be appointed to the Council.

**1968 Dale S. Gribow** has been honored with an award by the American Society of Safety Engineers. **Hon. Richard G. Vogl**, a Commissioner for the Santa Ana Superior Court, was elected recording secretary for Founders Plus, the Orange County Performing Arts Center service organization.

**1969 Larry R. Feldman**, along with Gary M. Paul '74 and Christine D. Spagnoli '86, is scheduled to participate as a speaker at the 33rd Annual California Trial Lawyers Association Convention in November. **A. Jeffrey Taylor** has been appointed to the Lawyers Council of the Democratic National Committee.



**1970** **James L. Crandall**, founding partner of the Irvine-based firm of Hill, Genson, Even, Crandall & Wade, was recently profiled in the *Los Angeles Daily Journal*. **Hon. Richard J. Oberholzer** of the Kern County Superior Court was re-elected as an incumbent candidate. **Richard I. Pink**, profiled in a June *Los Angeles Business Journal* article regarding commercial property acquisitions, is a senior partner and national director of acquisitions for TCW Realty Partners. **Hon. Sheila P. Sonenshine** has been elected to the board of the Orange County Performing Arts Center.

**1971** **Hon. Vincent J. McGraw** of the Fresno Municipal Court, won the United States Air Force Reserve Officer Training Award for 1993. Judge McGraw is a major in the Air Force Reserves, assigned to Castle Air Force Base, California. The award recognizes the year's best single piece of legal work by a reserve staff judge advocate in Air Combat command. **Bob Miller**, democratic incumbent Governor of Nevada, won the September primary election garnering 62% of all votes. **Hon. Victor H. Person** of the Los Angeles Superior Court was recently profiled in the *Los Angeles Daily Journal*. **Samuel N. Rubino** recently won a primary election nomination for the Los Angeles Superior Court. **Elizabeth Y. Williams**, a former attorney and educator in Los Angeles and Orange counties, is pursuing a writing career in San Diego County and has written a dramatic monologue entitled "Grading Graciela."

**1972** **Hon. Gary P. Ryan** of the Orange County Municipal Court was recently elected to the Orange County Superior Court. **John P. Schock** recently ran for the Los Angeles Superior Court.

**1973** **Jack M. Earley**, a criminal defense lawyer in Orange County, was recently profiled in the *Los Angeles Times* for the theatrical manner in which he defends his clients by making their stories compelling to jurors. **Kim A. Lane** has joined Luce, Forward, Hamilton & Scripps as partner-in-charge of the law firm's new office in New York City.

**1974** **Keith G. Burt**, a deputy district attorney in San Diego County and director of its Gang Prosecution Unit, was recently featured in *Dicta*, the San Diego County Bar Association's publication, for his being selected as "Outstanding Prosecutor of 1994." This honor is given annually by the California District Attorneys Association. The award recognizes Burt's successful prosecution of several gang members who murdered a San Diego

police officer. During the last six years, Burt led a difficult and complex investigation and prosecution of this case. **Gary M. Paul**, along with Larry R. Feldman '69 and Christine D. Spagnoli '86, is scheduled to participate as a speaker at the 33rd Annual California Trial Lawyers Association Convention in November.

**1975** **Judith I. Bloom** joined Clark & Trevithick in May. **Jeffrey G. Sheldon**, founding partner of the intellectual property law firm of Sheldon & Mak in Los Angeles, has recently been installed as the president of the Los Angeles Intellectual Property Association (LAIPA). He also has been an adjunct professor of law in intellectual property at Loyola Law School and Southwestern University School of Law. **Jeffrey R. Stark**, senior partner in the law firm of Stark, Rasak & Clark in Torrance, has recently been re-elected as Chair of the Board of Directors of Harbor Health Systems, Inc., the parent corporation of Bay Harbor Hospital in Harbor City, California. **Hon. Meredith C. Taylor** of the Los Angeles Superior Court was recently recognized in a tribute by U.S. Congressman Howard L. Berman. Judge Taylor, who received the prestigious San Fernando Valley Bar Association's 1994 "Judge of the Year Award," is the first woman to have ever received this honor. Additionally, Taylor has served as president of the California Women Lawyers and the Federal Bar Association (Los Angeles Chapter).

**1976** **Leah Mendelsohn** won a monthly "Top Producer Sales" award for Fred Sands Realty (Santa Monica office). She was recently named a New Homes director and a director of Fred Sands Estates. **Harry E. Sloan**, former owner of New World Entertainment, is currently extending his business interests in European commercial broadcasting through the acquisition of television stations in Denmark. Additionally, Sloan is in the process of setting up stations in Finland and the Netherlands as an addition to previous television holdings in Sweden and Norway.

**1978** **Hon. Victoria G. Chaney** of the Los Angeles Municipal Court has been appointed to the Los Angeles Superior Court by Governor Pete Wilson. **Catherine B. Hagen**, a partner with O'Melveny & Myers, recently assisted in the writing of a 400-page manual on workplace violence for the Workplace Violence Research Institute, Newport Beach. **Hon. Marlene A. Kristovich** of the Los Angeles Municipal Court has been elected to the Los Angeles Superior Court. **Hon. Daniel S. Lopez** of the East Los Angeles Municipal Court has been appointed by Governor Pete Wilson to the California Superior Court. **Lawrence J. McLaughlin** and his wife Ariane celebrated the arrival of their first child, Megan Courtney McLaughlin, in July. **Carl J. West**, a partner in the Pasadena law firm of Hahn & Hahn, has been appointed to the Los Angeles Municipal Court by Governor Pete Wilson.

**1979** **Hon. Thomas J. Borris** of the West Orange County Municipal Court and former adjunct professor of law at Loyola Law School, was recently profiled in the *Orange County Reporter*.

**1980** **Margot O. Knuth**, formerly of the Central Office of the

**Loyola Law School's 1994-95 Alumni Directory** will be available and distributed in December. If you have not purchased your copy and would like to do so, please call Harris Publishing at 1.800.877.6554.



Criminal Division for the Alaska Department of Law, is now working in Southern Africa for conservation projects that concern the black rhino. **Robert A. Norton**, has formed Random Entertainment, a production company specializing in live events. He was formerly an executive with Harmony Gold. **Frank Real** has been named associate dean of students at Santa Clara University School of Law. Formerly, Real served as the Loyola Law School director of alumni relations/annual giving from 1992 to 1994 and as registrar from 1980 to 1992.

**1981** **Michael J. Khouri** is of special counsel with Sedgwick, Detert, Moran & Arnold in Los Angeles. **Robert H. Kohn** has been promoted to senior vice president of corporate affairs for Borland International Inc., the world's leading supplier of databases and programming languages for personal computers. Kohn recently co-authored "The Art of Music Licensing," a one-thousand page guide to granting licenses and obtaining permission to use music. **Carl D. Nielsen** has been appointed assistant regional claims counsel for Lawyers Title Insurance Corporation. Nielsen is a member and former chairman of the Steering Committee of the Title Insurance Subsection of the Los Angeles County Bar Association's Real Property Section.

**1982** **Mark J. Drever** is the president of Fresh Express, Inc. in Salinas, Calif., the largest producer of fresh, packaged, ready-to-eat salads in the U.S. **Antoinette A. LeBel** and her husband Roger Patterson celebrated the arrival of twins, Kyle Campbell and Ryan Bennett, in January. **Stephen D. Sitkoff** has been appointed as a Los Angeles County Superior Court commissioner. Previously, he was deputy-in-charge of the Compton Branch of the Los Angeles District Attorney's Office Juvenile Section. **Gregory R. Vanni** and fellow alumnus Steven V. Phillipi '83, formerly of the Pasadena firm of Thon & Beck, are with the newly named law firm of Thon, Beck, Vanni & Phillipi.

**1983** **Philip D. Christianson** was named vice president of employee benefits for the Walt Disney Corporation, Burbank. He previously was director of employee benefits for the Phillips-Van Heusen Corp., New York. **Steven B. Effres**, recently profiled in the American Trial Lawyers Association (ATLA) magazine, *The Advocate*, is a Calabasas-based litigator specializing in the litigation and trial of serious injury and wrongful death cases. **Hon. Carol W. Elswick** and husband Jim celebrated the April birth of a daughter, Jennifer Nicole Elswick. **Alan M. Gittelson** has been named managing partner of the Washington, D.C. office of Kenneth Leventhal & Company. Gittelson is involved with restructuring, in addition to financial counseling and consulting services, for national real estate syndicators, government agencies, mortgage companies, hotels, finance companies and regional and national home builders. **Steven V. Phillipi** and fellow alumnus Gregory R. Vanni '82, formerly of the Pasadena firm of Thon & Beck, are with the newly named law firm of Thon, Beck, Vanni & Phillipi.

**1984** **Abby S. Areinoff** has joined the National Childhood Cancer Foundation in Arcadia and will serve as both director of human resources and director of grants and contracts. The Foundation supports cancer research projects at 117 pediatric institutions around the world.

Areinoff was formerly vice president of personnel at Fox Broadcasting Company. **Shellie Samuels**, deputy district attorney at the Van Nuys office of the District Attorney's Hardcore Gang Division, has been honored as the "July 1994 County of Los Angeles Employee of the Month." Samuels is an active member of the League of Women Lawyers and was the first woman lawyer to be honored as "Prosecutor of the Year" by the Association of Deputy District Attorneys. **Irene E. Ziebarth** is of counsel with Sedgwick, Detert, Moran & Arnold.

**1985** **George F. Bird, Jr.** and Karen Hunter Bird, partners in marriage, are now practicing law together as Bird & Bird, dealing exclusively in the area of Criminal Trials and Appeals. Both were recently sworn into the State Bar of New Mexico where they plan to practice law in the future. In addition, they recently celebrated the June birth of their second son, Cameron. **Michael E. Flynn** joined the law firm of Stradling, Yocca, Carlson & Rauth, where he will continue to practice corporate finance, lending, and securities law. **Randall B. Klotz** is presently a partner with the law firm of Branton, Wilson & Muns in San Diego where he practices real estate and business law. Klotz and his wife Laurel recently celebrated the birth of their daughter, Jennifer Alexis.

**1986** **William A. Boeck** has been elevated to a partner at the Los Angeles office of Sedgwick, Detert, Moran & Arnold. **Gary A. Nye** has been elevated to partner at Inman, Weisz & Steinberg in Beverly Hills. Nye specializes in all areas of commercial litigation inclusive of real estate, intellectual property and insurance law. He recently authored "The Customer List as a Trade Secret," which will soon be published in the *Intellectual Property Law Journal*. In addition, he currently serves as an arbitrator on the Los Angeles Superior Court Panel of Judicial Arbitrators. **Christine D. Spagnoli**, along with Larry R. Feldman '69 and Gary M. Paul '74, is scheduled to participate as a speaker at the 33rd Annual California Trial Lawyers Association Convention in November. **Mark J. Spalding**, a specialist in international business transactions, joins the law firm of Solomon, Ward, Seidenwurm & Smith in San Diego after having spent the last year in Washington, D.C. helping write the NAFTA Environmental Side Agreement. Spalding recently married Amy Wallen.

**1987** **Cherry-Marie B. Destura** is presently working as an Assistant United States Attorney for the District of Columbia. **Martin J. Murphy** recently ran for the Culver City Municipal Court. **Kevin G. Murray** recently won the Democratic primary nomination for the 47th State Assembly District in California.

**1988** **Felix L. Fischer** has recently been named a partner at Christie, Parker & Hale. **Kenneth T. Fong** has been appointed an articles editor for the *California Real Property Journal*, published by the Real Property Law Section of the State Bar. Fong is an associate with the Los Angeles law firm of Barbosa Garcia & Barnes, where he specializes in redevelopment law, real estate matters and land use.



**1989** **Michelle A. Gigliotti** is an associate with Gigliotti & Gigliotti in Fullerton. **Joel C. Kouri** has been promoted to a Grade 3 Deputy Public Defender in the Los Angeles County Public Defender's Office in Long Beach where he is responsible for permanent felony matters. **Kelli M. Benston-Tabb** has been promoted to senior counsel at Metro-Goldwyn-Mayer, Inc., Santa Monica.

**1990** **John T. Griffin**, an attorney with Freeman & Gelbart in Santa Ana, recently married Janis McClure. **Patricia L. Torres** has been named as the new legislative deputy to Los Angeles Board of Supervisors Chair Yvonne Brathwaite Burke, where she will handle judicial issues as related to Los Angeles County in addition to Latino outreach and immigration issues. Torres formerly served as staff counsel to the State Department of Fair Employment and Housing.

**1991** **Julia C. Kim** has been appointed assistant claims counsel for Lawyers Title Insurance Corporation in the company's Pacific States regional office in Pasadena. **Kathleen A. McCormac** has become associated with the law firm of Nelson C. Barry, III, in San Francisco, where she specializes in cases involving personal injury resulting from medical malpractice, medical devices, pharmaceuticals and abuse. McCormac also handles cases involving healthcare law and medical service contracts. **Mark G. Weidmann** has opened his own general practice office in Century City where he also performs contract work for outside attorneys.

**1992** **Robert E. Frankel**, a law clerk for the Hon. John R. Padova of the Federal District Court in Philadelphia, recently married Aimee

Thierman. **Susan M. Kussin** is an associate with Sedgwick, Detert, Moran & Arnold in Los Angeles. **Eric C. Sohlgren** recently co-authored an article in the *Orange County Business Journal* regarding the legal issues of electronic and voice mail in the workplace.

**1993** **Victor H. Altamirano** has joined Irvine-based Glenn M. Gelman & Associates as senior tax manager. **David J. Decker** is an associate with the Los Angeles firm of Tuverson & Hillyard where he specializes in real property disputes, construction defects and premises liability. **Glen T. Jonas** has recently opened his own law practice in Century City where he will exclusively concentrate in the criminal defense area. **Matthew L. Marshall** has opened his own law practice in Pasadena where he will specialize in estate planning, commercial litigation and business formation. **Michael T. O'Callaghan** has joined the Los Angeles firm of Casterline & Agajanian as an associate. **Patricia L. Peckham** is an associate with the Los Angeles law firm of Talcott, Lightfoot, Vandeveld, Woehrle & Sadowsky. **David W. Stuart**, with the assistance of Loyola Law School Professor David Leonard, has published an article regarding "Hearsay and the Confrontation Clause" in a recent edition of the *Federal Bar News & Journal*.

**1994** **Toni L. Hendel** has joined O'Flaherty & Belgum in Glendale as a law clerk. **David B. Newdorf** has joined O'Melveny & Myers in San Francisco. In addition, Newdorf celebrated with his wife Cheryl Sindel the arrival of a son, Noah Sindel Newdorf, one week following law school graduation in June. **Laura H. Park** is an associate with Roxborough & Associates, Los Angeles, where her specialty is civil litigation.

## BOARD OF GOVERNORS ELECTION

The Loyola Law School Alumni Association Board of Governors announced the results of the recent election at their meeting in August. Ronald S. Berman '70, Leslie C. Burg '54, David M. Chodos '66, David Daar '56, Craig deRecat '82, Angela Hawekotte '79, Thomas B. Kristovich '72, Ricardo A. Torres II '92, and Rebecca J. Winthrop '84 were elected to serve two-year terms. Kara L. Bue '93, Bernice Conn '92, Matthew P. Lewis '91, Mark E. Minyard '76, David L. Rosner '62 and Meghan White '91 were appointed to one-year terms.

## SAVE THE DATE

Next year's Alumni Dinner will celebrate the 75th anniversary of the founding of Loyola Law School. The dinner will be held Thursday, March 23, 1995 at the Hotel Inter-Continental Los Angeles at California Plaza, and will be coordinated by Rebecca Winthrop, alumni dinner committee chair, and committee members: Les Burg, Bernice Conn, Angela Hawekotte, Tom Kristovich, Mark Minyard, Judy Roberts and Meghan White.

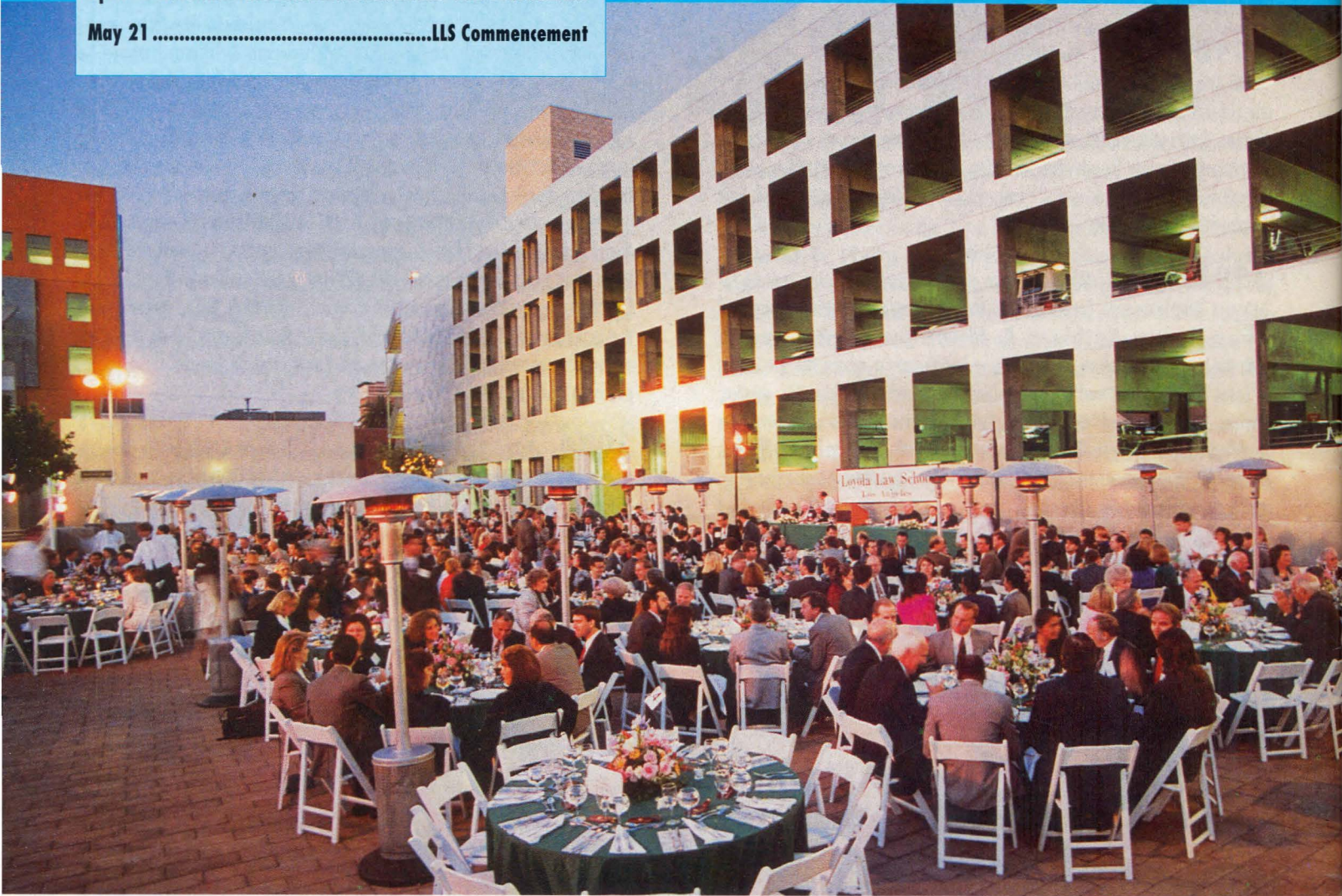


# CALENDAR



**SAVE  
THE  
DATE**

December 13.....4th Annual Federal and State Bar  
Swearing-In Ceremony  
February 16.....Order of the Coif Reception  
March 13.....4th Annual Fritz B. Burns Lecture  
March 23.....Loyola Law School 75th Anniversary/  
Alumni Association Annual Dinner  
April 27.....Alumni Golf Tournament  
May 21.....LLS Commencement



The Loyola Law School Alumni Dinner and Grand Reunion held in May. PHOTO BY LEE SALEM

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